App. F. IX-4

Previous References
ML 91-27-22, 28
216-30 5-28
125-31 - 1

Later References

193 /.
(Legs)

File No. 62-31
Serial Nos. 1 to 6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Six

Manuscript

A
Part ~~B~~ for August 1933

SUBJECT.

The Mysore Minor Municipalities Regulation No. IX of 1933

WD 01965—GPB—15,000—7-7-34

Mr. Abul Aziz
31-1-35

Serial No.

Flag F

Please send copy of discussion ~~[illegible]~~ portion Flag E

"Minor Municipalities Bill"

The general principles of this Bill were discussed in the Representative Assembly at the Dasara Session of Oct 31 and they have all been approved subject to the modifications and consideration of the points noted below.

(1) Clause 75 This was opposed by the house. Its retention in the Bill to be finally introduced in the Legislative Council is necessary in order to allay any fear on the part of the public that the Govt would enhance the rates of taxes beyond the maxima fixed in the rules, it is perhaps expedient to add between provisos (9th) of the clause ~~an~~ additional proviso to the following effect:—

"~~Provided that~~ ~~for~~ In no ~~circumstances~~ case shall the Govt have power to require the rates of taxes to be enhanced beyond the maxima prescribed."

I don't think this is necessary as Govt cannot of course raise the rate beyond the maximum. But there is no harm in putting it

SR 26/12

Should be the immediate Council

(2) Clause 66:— It was agreed in the case of town municipalities, the Huildar should do the Assessor's duties, ~~and~~ ~~approved~~ ~~suppose~~ the revising authority that the necessary clerical help should be given to the Assessor by the Mbl. and that the same principles would be applied

NOTE—Contn. Sheet

to minor Mdels also. The clause 66 may be recast as noted below:—

"66 (i) The taxes imposed in the form of a rate on buildings or lands or both in every municipality shall be assessed in accordance with the rules prescribed and the rates determined by the Mdels, by an Assessor appointed by the Govt in this behalf.

(ii) The municipal council shall afford ~~tax~~ all clerical and other necessary help to the Assessor and shall bear ~~all~~ expenditure incidental to affording such help."

~~(iii) The Assessor shall also be an ex-officio Assessor of the municipality.~~

3) Clause 7. It was promised that the suggestion of a member that people who reside outside the municipality for six months prior to the date of election in the interests of health should not be denied the privilege of voting in a minor municipality.

Under the present rules, residence within the municipality for a period of not less than six months, next preceding the date on which the list of voters is prepared is the major qualification for a voter ~~is assisted~~. In the minor municipalities Bill, it is provided that adults who have been residing in the municipality

provision in clause 46 (1)(b) providing for appeals to Asst. Commr from the Assessor may be omitted and as it would not be possible for the Municipal Assessor to consult the Revenue Divn

Attd
SP

Serial No.

for a period of not less than 6 months prior to the date of the election may be Voters unless they are disqualified. In Village Panchayats all adult residents of Villages are qualified to vote. If any relaxation in the case of persons who have not resided in the Municipality for a period of six months prior to the date of the issue is considered necessary, it may perhaps be desirable to insist ~~soon~~ that such ~~resids~~ Voters should have ~~paid a minimum tax~~ been assessed to a minimum tax. Whether this is desirable when adult suffrage is to be extended is a matter for consideration.

There may be left the select Committee 10 Dec

Yes. The existing clause may remain SPR

(4) Clause 6:- The suggestion of some members to raise the elected element in minor wards from one-half to two-thirds was noted for consideration. The main difficulty in the way of acceding to this request is that there will not be sufficient scope for nomination of communities or interests that do not or cannot get into the council by way of election. The present clause does not prevent Govt from increasing the elected element if and when it is found desirable to do so. Whether any change is now

— 50 —

NOTE—Contn. Sheet

No change is necessary SPR 3/12

calls for, is a matter for consideration.
~~Submitted for orders.~~

8/7.11.31 5) Another point which was reserved for further consideration in the special committee is whether it is right to deprive municipal councils of the power to frame by-laws. The principle has been accepted by the R. A. unanimously so no change is perhaps necessary in regard to this point at present.

Submit for orders with a copy of the Bill duly revised and a statement of Objects and Reasons

AS 10/11/31

Gen. Secy) 10.11.31

No change is necy SPR

GENERAL SECRETARY 11 NOV. 1931 No. 3222

P Member

Hce 11/11

7) SPR 12/11

Hce 13/11

8) The file may be sent to Prot. Br for further action

13/11/31 Prot. Br

14.11.31

SECRETARY TO THE SECOND MEMBER OF COUNCIL 12 NOV. 1931 No. 3044

Serial No.

The L.S.G. Branch may be requested to put up the original file in which sanction of H.H. has been obtained for the Legislation

Bm
19/4/31
To L.S.G. Br with compliments
(10) 19/4 (SS)

Flag E

Municipal file 128-31-1 relating to the subject, is put up.

SS
19/4/31

Proceed Br with compliments
11) The main file obtaining sanction of H.H. to introduce Legislation for management of Municipal affairs in (1) Cities (2) Towns & (3) Minor Municipalities is herewith put up.

It is for orders whether as in the case of Town and City Municipal Bills notices may be included in the agenda for the next Legn Council for leave to introduce the said Bill.

NOTE—Contn. Sheet

Further under Section 9(1) of the Legislative Reg^n & under Rule 6 of the Legislative Rules of business sanction of Devan has to be obtained for introducing the Bill.

12) The usual forms for obtaining the sanction are put up and the following motion is suggested

"Motion that leave be granted to introduce a Bill to make better provision for the administration of minor municipalities in Cochin"

Moved

Mover: Second Member
Seconder.

Done 19/11

13) Leave to introduce may be obtained for this Bill also as in the case of the other two Bills.

Gen Sec)

14) I agree

C 24/11/31

H Member)

Ipa 24/11

14)

24/11

Devan)

C 24/11/31

15)

Minute 25.11.31

C 27/11/31

To L.C. Office for notice & return.
SG 26/11

Noted & note to Prot^n Br
26/11/31

TYPING BR. 19. NOV. 1931 11.25 P.M. GENL. & REV. SECTT.
GENERAL SECRETARY. 24 NOV. 1931 No. 3540
OFFICE OF THE REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL. 28. NOV. 1931
DEWAN'S OFFICE 360 24. NOV. 1931

PUBLIC OFFICES BUILDINGS.

Dated Bangalore,.....191 .

FROM

S.P.Rajagopalachari, Esq., B.A.,
Second Member of Council &
Member, Mysore Legislative Council.

To

Rajakaryaprasakta Diwan Bahadur
M.N.Krishna Rao, B.A.,
Dewan of Mysore.

SIR,

~~18~~ I beg to request your sanction in writing under Section 9 (i) ~~12~~ of Regulation XIX of 1923 ~~I of 1907~~, for introducing a bill.....to make better provision for the administration of minor ~~small~~ Municipalities in Mysore,

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

SRajagopal

Member.

W L 02234—GPB—500—13-3-17

G. R. S. VI—P-2]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Office of the Dewan of Mysore.

Dated, Bangalore,

No.

17) 19 Mr. S.P. Rajagopalachari, Member of the Mysore Legislative Council, is hereby permitted to introduce a bill to make better provision for the administration of small Municipalities in Mysore,

at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, 1923.

M. N. Venkatarama Rao

Dewan of Mysore.

Serial No.

OFFICE OF THE REGISTRAR GENERAL OF LEGISLATION
4 DEC. 1931
No. 2533

18) vide marginal remarks on the note. The title may be further revised if necessary & the bill be re-to me

S/R
3/12/31

Hm 3/12
VS

19) The Bill is revised in accordance with the orders and re-submitted

RS 4/12/31, 2nd Member) VS 4.12.31

Rec'd from Legislative Office on 4/12/31.

20) Leave to introduce having been granted, the file will be sent to L.S.C. Dn for obtaining orders in respect of the suggestions made in the R.S & in the Legislature

21) The L.C. Office will be regarded in the first instance to furnish a copy of the L.C. observations on the motion for leave

Dm 15/12/31
L.C. Office)

Ce 15/12/31

OFFICE OF THE SECRETARY
16 DEC. 1931
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

NOTE—Contn. Sheet.

22) A copy of the Bill as revised in accordance with the instructions of the 2nd meeting is put up along with the statement of objects and reasons.

28/12/31

23) This may be sent to the Press & proof obtained. The Secy. should tell the Mahs. to treat it as very urgent

6/1/32

24) Submitted with a draft for approval

6/1/32

25) Issue

Issued. vide 14858 of To the Superintendent Govt Printing Bangalore. Forwards a copy of the revised Mysore Municipalities Bill and calls for proofs.

TYPING SECTION 6 JAN 1932 GENL. & REV.

The important alteration made in the bill under the orders of the Second Member of the Council are the following:-

Old clause (8)

(1) Old clause No. 8 prescribing disqualifications of voters has been omitted.

New Clause (9)

(2) The exemption from disqualification for absenting from meetings now extended to Presidents and Vice-Presidents has been removed. The Presidents and Vice-Presidents will hereafter be subject to the same disqualification as in the case of ordinary Councillors.

New Clause (10)

(3) Sub-clause (7) has been made clear that the vacation of the Office of Presidents and Vice-Presidents is for want of confidence.

New Clause (22)

(4) Among the obligatory duties, those relating to development of economic condition and preparing list of children of compulsory age for purposes of elementary education are omitted as unnecessary.

New Clause (27)

(5) The provision relating to the power of Municipal Council to fix the pay and allowance etc., to Municipal employees is omitted as the matter will be regulated by rules.

Old Clauses (29) and (28)

(6) The provision regarding Presidents being empowered to summon persons to give evidence or to produce documents is considered inexpedient. Similarly the provision for delegating functions of the Municipal Council to persons other than the President and Vice-President is omitted as the President is responsible for carrying out the executive functions of the Municipal Council.

New Clause (29)

(7). The provision relating to suits for recovery of moneys misapplied etc. has been omitted as the Deputy Commissioner has in clause 52(2) been authorised to surcharge persons responsible for the loss.

New Clause (30)

(8) The provision regarding suits not being maintainable against Municipal Councils and their officers and servants in respect of anything done lawfully as in old clause 33 is omitted as unnecessary.

New clause 32

(9) Power is taken to Government to delegate the powers of inspection exercised by Deputy -- Commissioner and Assistant Commissioner to any officer subordinate to Government so as to enable the officers of the Sanitary Bureau to inspect immoveable properties of Municipal Councils.

New Clause (32)
old clause 35

(10) The provision ~~etc~~ re delegation of powers to holders of alienated villages has been omitted in this clause and a separate clause No. 101 has been added at the end of the bill

Old Clause (38)

(11) The provision empowering Deputy Commissioner and Assistant Commissioner to inspect -- Municipal Offices is omitted as these officers have under new clause 32 general powers of inspection.

New Clause (38)

(12) Provision has been made for supersession of Municipal Councils also as the old clause 42 provided only for dissolution.

New Clause (40)
New clause 41

(13) The decision of the Deputy Commissioner in cases of disputes between local authorities is final in certain cases under the present Law. In clause 45 of the original bill, appeals were allowed to Government from the order of the Deputy Commr ~~in certain cases~~. As the provision -- originally made was inconsistent with the provision in the District Boards and Village Panchayet Regulations, the clauses have ~~the clause has now~~ been suitably -- modified.

New Clause (41)

Because there are no assessors

(14) The provision in old clause 2,b made for Appeals from the orders of the assessor to the Assistant Commissioner and from the orders of the Assistant Commissioner to the Deputy Commissioner is omitted as unnecessary.

Old Clause (56)

(15) The provision made for rate payers appearing before Government auditors and taking exception to items entered in the Municipal accounts or to items omitted therefrom is considered unnecessary and ~~hence~~ therefore omitted.

New Clause (55)

(16) The provision for levy of terminal tax is omitted as unnecessary for Minor Municipalities

old Clauses (66) and (67)

(17) These clauses are omitted as the appointment of assessor and incidental matters ~~may be~~ have been ~~regulated by~~ regards rules.

Old Clause (72)

(18) The provision made in the last bill for assistance to Municipal Councils for recovery of rent on land by Revenue Officers is considered unnecessary and is omitted.

New Clause (84)

(19) The purposes for which licenses are required have been specified in ~~a~~ schedule B. appended newly to the Bill.

Old Clause (96)

(20) The provision for punishment for -- obstructing Municipal Council etc. as in section 62 of the V.P.Regulation is omitted as unnecessary as the Municipal Officers will come within the definition of public servants under new clause 28.

Old Clause (104)

(21) The provision prescribing the procedure as regards licenses is considered unnecessary and has been omitted. The procedure may be prescribed by issue of rules, if necessary.

New Clause (99) - Sub-clause (1)

(22) ~~The~~ Provision has been made for making rules for the registration of shops for the sale of drugs and the licensing of persons who act as compounders for dispensing therein.

New Clause (100)

(23) Provision has been made newly for delegating powers of Government under the Regulation to any Officer subordinate to Government.

DEWAN'S OFFICE
6645
9 APR. 1932

27) ~~Paragraph of Bill~~
Final form of the Bill as revised is submitted for approval or other orders.

7464
9/3/32.

8/3/32 II Member) AM 8/3

28 It is respectfully submitted to the Chief Secy for consideration and the approval of the Dewan

Dewan 7-4-32

29 Chief Secy with compts

14th 8.4.32

SECRETARY
9 APR. 1932

Dewan 9/4/32

30 9-4-32

C.S 11/4

For Disposal by Circulation.

No. C. 294

of 1931-32

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject.

Draft Bill to make better provision for the administration of small Municipalities in Mysore.

Circulated to the Members of Council.

By Order,

12th April 1932.

Chief Secretary to Government.

31

6200/13/4

First Member of Council. 13/4

8635/12/4

Second Member of Council. 13/4

~~Third Member of Council.~~

GENERAL SECRETARY
14 APR. 1932
No. 6722

33 Gen. Secy with Comments

34 for a draft final note

13/4/32 14/4

General and Revenue Secretariat | File No. 2132/2 of 193 | [App. F. III—2

Serial No.

GENERAL SECRETARY
19 APR. 1932
No. 7040

35 Submitted with a D.F.
(Sd/-) (Sd/-) 18/4
II Member)
19.4
36 F.N. Signed by Member.
20/4/32
Dewan
20/4

OFFICE OF THE HON'BLE MEMBER
19 APR. 1932
No. 8913

Typed S.N.
Submitted
20/4

DEWAN'S OFFICE
20 APR. 1932
No. 6970

37 20-4-32

Final Note by the Second Member of Council. 17

Subject:—

The Mysore Minor Municipalities Bill.

38 In accordance with His Highness' sanction accorded on the 13th October 1931, the general principles of the bill for the regulation of Minor Municipalities were placed before the Representative Assembly at its Session in October 1931.

39 The Bill duly revised in the light of the discussions in the Representative Assembly has been scrutinised and further revised by me. The bill as thus revised has been approved by the Dewan and the First Member of Council.

Pages 14 & 15 - Official Note

40 The statement of objects and reasons of the bill explains the main changes introduced.

41 I solicit His Highness' gracious approval to place the bill before the Legislative Council at the next Session.

MEMBER OF COUNCIL.

Bangalore,
20th April 1932.

18

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council on the subject of* the Mysore Minor Municipalities Bill

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.
20-4-32

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 398
20-4-32

387

Subject.

Introduction of the Mysore Minor Municipalities Bill into the Legislative Council.

Order.

KRW
25/4/32

C. Secy
27-4-32

27/4/32

General and Revenue
Secretariat.

Introduction of the Mysore Minor Municipalities Bill into the Legislative Council.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders.* (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

N Madhava Rao

Chief Secretary to Government.

Through the Secretary to Government,

Genl Department. 27.4

6749/28/4

FIRST MEMBER OF COUNCIL.

9216/28/4

SECOND MEMBER OF COUNCIL. 28/4

GENERAL SECRETARY.
29 APR. 1932
No. 7550.

Forwarded to the Genl Secy with compliments for favour of further action with reference to the Dewan's order for amending certain clause of the bill

29/4/32

Mr R. Srinivasachar may attend to this & the other Bill files

29/4

NOTE.—Contd. sheet

Serial No.

Submd with a copy of the Dewan's minute dt 26-4-32 and also second member's minute dt 28-4-32 in the city municipal Bill relating to certain changes in the city municipal Bill.

1. Removal of chief officer
2. yearly election of President

out of the two points referred to in the Dewan's minute, there is no provision in this Bill for the appointment of the chief officer. Under clause 10 subclause 9, the term of office of every President ceases on the expiry of his term of office as Councillor and the term of office of every Councillor is ordinarily 3 years unless extended under clause 12 of the Bill; the second member of Council has noted on these points and the file is under submission to Dewan. May the Dewan's orders be awaited. Submd for orders.

30/4/32

The changes, if any, in the Nuna rules Bill can be made only after orders are passed in the file re City rules Bill. Orders in the latter file now before the Dewan may be awaited.

(Sd/- Secy)

30/4

Yes Hon 2/5

2/5

orders of the Dewan in the city municipal file referred to is flagged J. (Dewan's minute dt 4-5-32)

As far as this Bill i.e. minor municipal Bill - is

GENERAL SECRETARY 30 APR. 19 No. 7406

NOTE—Contn. Sheet.

Concerned, action has to be taken as regards paras 3 and 5 only, the other paras not referring to this Bill.

(56) As regards para (3), the following may perhaps be added in clause 10, subclause (7) – page 5 of the Bill – before the words "Every elected and appointed President ~~In clause 7, before~~ or etc"

Except in the case of official Presidents, whether appointed ex officio or by name,"

The words 'except in official President ~~whether~~ appointed ex officio or by name' may be inserted between the words 'municipal Council' and 'shall' in clause 7

(57) As regards para (5), provision has to be made in clause 10 subclause (9) (page 6 of the bill).

The following may perhaps be inserted after the word "regulation" and before the word "cease" omitting the comma after the word "regulation"

and save where in special cases Govt have directed yearly elections with the consent of the municipal Councils concerned".

A proviso may be added as follows to Subclause 9 of clause 10. 'Provided that in the case of elected Presidents Govt may, in special cases direct every year elections with the consent of the Councils Concerned'

Govt for orders regarding the amendment proposed.

After approval the changes will be incorporated in the Bill now under print.

5/5/72

Serial No.

A / This for consideration if an addnal is to be made in the Statt of objects & reasons explaining the above changes.

(Sec' Secy) Ann 6/5

II Member

Ofm 6/5. Ann 6/5

A. It has been included since

JDL 7/5

Ofm 7.5 Ann 7/5

Subs (61)

This may now be sent to RA + LC. office for further action to get the bill published. The additions and corrections now made have been incorporated in the copy of the Translation section also.

9/5/32 (L.C. Office) Ann 9/5

(62) The chief Secretary said that this may be got published in the Gazette. Print order may be given & necessary copies for issue to Members of the L.C & to the Select Committee stage may also be got. It should appear in the Gazette of the 26th inst.

9/5/32

(63) Copy of the Bill has been taken and sent to the Press with the notification. File will, if appd, be put to B.S. of Branch

GENERAL SECRETARY 6 MAY 1932 No. 75/14

OFFICE OF THE SECRETARY 9. MAY 1932 LEGISLATIVE ASSEMBLY LEGISLATIVE COUNCIL

The words "elected & appointed" before President in cl 9(7) has been deleted by the II Member. The Gov Secretary has also been informed

9/5/32

NOTE—Contn. Sheet.

Minor Municipalities Bill

for further necessary action, if any.
Subd

10/5/32

(L S & We)

11/5

6a) Further action has to be taken in the Forest Branch. This may therefore be transferred to that Branch.

16/5/32

6b) Yes

16/5

Subd with draft forwarding copies to the Residency.

The following motions are suggested for being included in the Agenda for the next meeting of the Legislative Council

(1) Motion that the Bill be read in Council

(2) Motion that the Bill be referred to a Select Committee.

Mover: Second Member

Seconder: Agent Secy

The personnel of the S.C is also for orders 6c) Five official & five non officials may form the Select Committee for all the three Municipal Bills

18/5

(Gen Secretary)

(Second Member)

20/5/32

GENERAL SECRETARY
20 MAY 1932
No. 7976

Serial No.

Minor Municipalities Bill

GENERAL SECRETARY
23 MAY 1932
No. 9232

The following names are suggested for consideration for the Select Committee.

Officials: 1. Mr. N. Nadarajah
2. Mr. R. Rangalan
3. Mr. M. G. Ramaiah
4. Mr. J. V. Kane
5. Mr. K. V. Anantanarayan

Non-Officials: 1. Sri. K. P. Pattamachetty
2. Mr. B. K. Gandachan
3. " P. Subbaraimosaty
4. " H. Sidick
5. " O. Abdur Rahman.

Gender 1
2nd Member 1

23/5

(69) May be considered later on at the time of the meeting. I think we must have ~~and~~ another a member to represent rural municipalities

25/5

25/5

OFFICE OF THE SECOND MEMBER OF COUNCIL
25 MAY 1932
No. 9838

(70) Submit for orders Re the draft to the Residency

26/5

(71) Issued P124 30/5

(72) 10 WD 70—GBPM—60,000—13-5-31 For noting the medium of action taken

8/6

9/6/32

DRAFTING SECTION
26 MAY 1932
L. & G.

Re Subject with refce to para 6 of supra for consideration of personnel of the Select Committee

Pnc 10/6 Secret Member) 10/6/32

Separate Committees for the Town municipalities in major be appointed

11.6.32

11/6

11/6

OFFICE OF THE SECOND MEMBER OF COUNCIL
11 JUNE 1932
No. 10340

Draft calling for a meeting of the S.C on 31.10.32 Subd as directed

Pnc MSR 19/10/32

19/10/32

No P 2250-61 of 21.10.32

The Members of the S.C. Estimates hereby a meeting will be held at 1 P.M on 31.10.32 & on the following days.

TYPING SECTION
20. OCT. 1932
GENL. & REV. SECTT.

Pnc file 27.10.32
Meeting 1 P.M
31.10.32

General and Revenue Secretariat | File No. | of 193 .

Serial No.

The Select Committee met on 31.10.1932 and considered the Bill. All the members except Mr. S. R. Rajagopalachari were present. Draft Report is laid for orders

Date
4/11/32 Second Member)

4/11/32

4/11/32

4/11/32

Serial No.

The following gentlemen have sent the reports—

Messrs 1 K. Chengalraya Reddi — Absent
2 B. Abdur Rahman — 1 Mr. S. R. Rajagopalachari
3 R. Ranga Rao — Capt. of Stratton
4 J. V. Narne — 2 Mr. N. Mallanna Rao
5 K. V. Avantaramam
6 K. R. Srinivasa Iyengar
7 A. R. Nagiswara Iyer

All the above have given their consent.

In view of the fact that 17th is the last day for publication of the S.C. Report as per Legislative calendar, it is for orders whether the Report may not be published and the signatures of others included as they are received.

Submitted for orders with draft.

Done MSR
12/11/32

This will also sent to the Press for publication in the Gazette on the 17th. The signatures of four others who have not yet returned the reports will be added if they are received by the time the print order is given.

First Member)

Ce
12/11/32

Ce
14/11/32

Ce
14/11/32

Chairman Madras
[illegible]
A. Krishnaswamy Aiyar
P. Subbaramaiah
A. C. Dorasfra
D. H. Chandrasekharaiya
[illegible]

OFFICE OF THE [illegible] COUNCIL
No. 9977

NOTE—Contn. Sheet.

Copy the draft rules as approved for this will be sent to L.C. Office for issue from that office

Done 14/11/32 L.C. Office)

14/11/32

R.P. 2770/P.B. 14th November 1932.

14/11/32

The Report of the S.C. has been published in the Gazette and a copy is put up.

Since the Bill requires Sanction of Govt. of India for final passing the following motions are suggested:-

(1) Motion that the Report of the Select Committee on the Bill and the Bill as amended by them be taken into consideration.

(2) Motion that the Bill be passed at a subsequent meeting of the Council

Done 25/11/32

Sec. to Govt. / Secretary

25/11/32

GENERAL SECRETARY 26 NOV. 1932 No.

OFFICE OF THE SECRETARY 29 NOV. 1932 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

app

27/11

OFFICE OF THE HONBLE MEMBER OF COUNCIL 26 NOV. 1932 No. 3242

L.C. Office with Bills

29/11/32

Noted and put to Prot. B.

25/11

Serial No.

Mr P. Subbaramaiah has not yet communicated his approval to the Report of the S.C. He may be reminded if asked. Draft is Subd

Brue 1/12

Brue 6/1/12

Issued No P 3067 Dt 2.12.32

L.C. Sub ✓

The Bill was considered as amended by the S.C. at the meeting of the Legl held on 15th Decr 1932 and the Motion to pass the Bill at a subsequent meeting was adopted.

The Bill requires the Sanction of the Govt of India before final passing.

Subd for orders with draft

Brue 12/1.

Brue 13/1/33

Pd 679 Dt 18.1.33

3 The Secy to the Resident

Forwards copies of Bill as approved by the Legl and requests that the Sanction of the Govt of India may be obtained to the passing of the Bill into Law

Note—Contn. Sheet.

Sub A

TYPING SECTION 2 DEC. 1932 GENL. & REV. SECTT.

TYPING SECTION 16 JAN 1933 GENL. & R

Copy of letter No 4101/204/198281
1.6.33

From
The Secretary to
the Resident
States that the Govt of India have accorded their consent to the Minor Municipalities Bill
Sent for perusal.
The following motion may perhaps be included in the agenda for the next meeting of the L. C
Motion that the Bill be passed
Mover: The Second Member of Council
Seconder: The Chief Secy

Office of the Second Member of Council. 7 JUNE 1933 No. 8285

Bm 6/6/33

Genter)
2nd Member)

6/6/33

7/6

7-6

6/8/6

The L. C. Office
for kind notice/return
Noted and noted to Prof. B.
(with compliments)
10/6/33

Serial No.

City Municipalities Bill

1) The Representative Assembly at its Session of October 1931, approved of the general principles of the Bill subject to the modifications and consideration of the points noted below

(1) The changes, ~~if any~~ to be made, in the case of the Town Municipalities Bill in respect of clauses 7, 22(1) 9(9), 50, 101, 107, schedule X, 19 197, 222, 223, 236, 237 (2) and 240 may be made in this bill also.

(2) ~~The~~ The insertion of two additional clauses after clause 175 in order to incorporate the provisions of the Bill to finally passed at the next session in regard to registry of shops for sale of European drugs and certified dispensers will be made in the City Municipalities Bill also if approved.

(3) In addition to these, the following modifications have either been agreed upon or have to be considered as stated at the Representative Assembly

(4) Clause 25 :- When Mr. Belur Srinivasa Iyengar wanted to speak about the principle of the ~~Question of~~ provision regarding the channel of communication between the Govt and the Municipal Council, the Secy Member of Council assured that all minor points would be duly considered

× B in the file

× D

Vide my opinion noted in the other file

× Flag E

may be done here

NOTE—Contn. Sheet

by Government before the Bill is brought up in a final form before the Legislative Council. Orders are solicited as to whether any change in clause 25 is necessary and what changes, if any, have to be made in the other clauses.

(cl 25) This all right as it stands
I agree
SPR

Clause 42.(5) :- The note in the copy of the R. A. discussions on this matter about the attitude of the house does not appear to be ~~strictly~~ correct. If Government were right Government had no objection to raise the limit of sanction to approve tenders to Rs 15,000, if the house was generally in favour of it. The point does not appear to have been pressed. Whether the limit may be raised is for orders.

(5) ✓ being in favour raising the limit of sanction of tenders to Rs 15,000

May be raised to 15000 in the case of the City Council
I agree
SPR
8/12

Clause 71 :- It was agreed in regard to a City Municipality having a Municipal Commissioner, the Commissioner should be the revising authority. It is unnecessary to provide for appeals to the Municipal Council from the orders of the Municipal Commissioner as in Section 186. The appointment of a whole-time officer as Assessor for each district having been given up and as appeals may be made under clause 107, corresponding to Section 86 of the existing Rgn, the clause

(b) ✓

Serial No.

may perhaps be revised as noted below.

"71(1) For assessing taxes imposed in the form of a rate on buildings or lands or both, the municipal council shall with the previous sanction of Government appoint an Assessor.

(2) The municipal council may also assign to the Assessor any other work which in their opinion he can perform without prejudice to his duties as Assessor.

Subject to appr. this is advisable to ensure economy.

(7) In consequence of the change made above, clause 75(2) may be recast as follows:—

"In a municipality for which there is a municipal commissioner, such municipal commissioner and elsewhere the managing committee, or any committee or committees to which the municipal council delegate the powers and functions of the managing committee in this behalf, shall be the revising authority to whom objection under sub-section (1) may be made.

Two words say Vice President Hon

or any officer of Govt to whom with the ~~approval~~ permission of the Govt the municipal council delegate, and they are hereby empowered so to delegate, the powers and functions of the managing committee in this behalf,

may remain as drafted

(8) clause 243.(3). — It was ~~agreed~~ suggested that the municipal commissioner may be removed in the circumstances in which Presidents and Vice Presidents are required to vacate their office. ~~Subs~~ The application of this principle to civil officers has been adopted. If it is to be extended to all cases, ~~Subs~~

This is undesirable Hon

NOTE—Contn. Sheet

SPR 8/12

Sub-clause (3) of clause 243 may be revised as noted below:—

"A municipal commissioner shall forthwith be declared to have vacated his office—

(a) if a resolution for his removal is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose, or

(b) if resolutions for his removal are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other.

This may be appt as it ~~seems~~ is on the same lines as the other app SPR

Clause 248.:- It was promised (4) that cases in which the orders of the municipal commissioner may be made appealable to the MCl or managing committee would be scrutinized.

This is not quite correct. Appeals to Govt were SPR contemplated. This may be cut

Appeals to the municipal council may perhaps be permitted in the case of orders under the following provisions of the Bill also:—

may perhaps be left to the S. Committee KN

Sections 122 (6) (b), 127(1), 135(2), 138(2), 140(1), 163, 186 and 187.

~~187~~.

Clause 253.:- The figure 256 in this (10)

Serial No.

clause is a misprint for "251". This will be corrected.

(11) Clause 255.:- The changes made by this clause were withdrawn. Rs 500 will be substituted for Rs 1000 in the clause.

(12) Schedule III

With regard to rates of taxes on motor vehicles, it was suggested that motor buses and lorries should be divided into two classes according to their seating capacity, as in the case of motor cars and that different rates may be fixed for Town Municipalities and City Municipalities:—

The following classification and rates ~~and rates~~ are proposed in the case of City municipalities:—

Items.	Existing rate.	Rate proposed in the Bill.	Rate to be adopted by City Municipalities
1) motor cars weighing less than 15 cwts	30. (one scale for lower to 0 lb to 30 lb or better)	30.	30
2) Do weighing 15 cwts and more	30.	40.	40
3) motor buses with seating accommodation for more than 8 but not more than 12 ~~passengers~~ persons.	30. (40)	50.	40
4) Do - with seating accommodation for more than 12 but not more than 18 persons	30.	60	50
5) Do - for more than 18 persons.	30 - 50	60.	60
6) motor lorry weighing less than 2 tons	30 40	60	50
7) Do weighing 2 tons or more	30 50	60	60.

NOTE—Contn. Sheet

It is better to adopt the diff. scale as proposed SPM 14/11/31

Gen. Secy)

14.11.31

Vide Members orders in Town Municipalities Bill file - herewith linked.

3 There is no copy of Statement of Objects & Reasons put up in this and orders leave not yet been obtained on grounds raised in the R.A.

4 Motions for leave to introduce have been proposed in the linked file

Mover: Second Member
Seconder: Chief Secy

Submd
Dwn
19/11/31 (5) The administrative Branch may be directed to prepare a statement of Objects & Reasons. Sanction of the Governor for leave to introduce may be obtained. Necessary forms are put up

Member)

II Member) 6) 24/11/31 to see

7) Dewan) 8) 25.11.31

DEWAN'S OFFICE 2680 24 NOV. 1931

9) To L.C. Office for note & return
SC 26/11 (10) Mover and the Seconder may kindly be noted and put.

11) Pro: Branch
27/11/31

12) Noted & Submd

Dwn 27/11/31

13) Noted & put to Prot. Br.
28/11/31

OFFICE OF THE SECRETARY MPSR 26 NOV 1931 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

MPSR 28/11/31

PUBLIC OFFICES BUILDINGS.

11,)

Dated Bangalore,.....*191* .

FROM

S.P.Rajagopalachari, Esq., B.A.B.L.,
Second Member of Council &
Member Mysore Legislative Council

To

Rajakaryaprasakta Diwan Bahadur
M.N.Krishna Rao, B.A.,
Offg.*Dewan of Mysore.*

SIR,

I beg to request your sanction in writing under Section 9(i) XIX of 1923 ~~12~~ of Regulation ~~IX of 1907~~, for introducing a bill to make better provision for the management of Municipal affairs in City Municipalities in Mysore,

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

SRajagopal

Member.

W L 02234—GPB—500—13-3-17

Serial No.

(6) The Gl Secy will kindly note his views on the points raised

JGR
2/12

(7) Attended to & resubd.

[illegible]
5/12

(8) Leave to introduce was granted & approved the file will be sent to L.S.G. Dept for obtaining orders, before publishing the Bill, on the general suggestions made in the R.A and in the Legis Council after obtaining a copy of the L.C proceedings in respect of this Bill

[illegible] (15/12/31)

Bill
15/12 [illegible]

L.C (Copies)

OFFICE OF THE MEMBER OF COUNCIL
[illegible] 1931
No. [illegible]

OFFICE OF THE SECOND MEMBER OF COUNCIL
5 DEC. 1931
No. 35269

File received from Members Office
Bill
15/12/31

OFFICE OF THE [illegible]
Reply sent
16 DEC [illegible]

NOTE—Contn. Sheet

Serial No.

19/ The question for consideration is the form in which the three municipal bills have to be drafted and introduced:- Are there to be 3 entirely new consolidating bills or only amending bills? If they are introduced as 3 new consolidating bills, the present Municipal Regulation which has been in existence since 25 years and stood the test of time having been the subject of interpretation in courts, will have to be entirely repealed. This seems to be neither satisfactory nor expedient. The standard by which the improvements in the new provisions have to be judged is the present Regulation. It may be retained as the standard Regulation either for the City Municipalities or for the Town Municipalities with necessary amendments.

20/ The introduction of a Bill as an amending Regulation has several advantages. The changes made are the only issues kept in view for discussion. If the old Regulation is repealed and large portions of it are repeated as it is necessary, the new bill will run to an inordinate length. Every detail of all the provisions including those in which no changes are involved will be thrown out ~~into~~ to discussion and amendment. The result of the discussion may introduce a large amount of variation even in respect of settled principles. It is thus an advantage from the point of view of legislative business in introducing an amending Regulation

WD 02328—GPB—10,000—22-4-30

in as much as no opportunity will be afforded to the Council for discussion of amendments, in respect of the Sections which the Government do not propose to amend.

21/ On the advantages of introducing an amending act, Ilbert makes the following pertinent observations at pp.127 of the 'Mechanics of Law Making':-

> "It follows that the English legislator rarely, if ever, finds himself in a position to inscribe a brand-new law on a blank sheet of paper. The utmost that he can usually aim at is to remove some blemish from, or to alter or add to some provisions of, an existing law or institution; in other words, to pass an amending Act."
>
> ... ...
>
> "From the point of view of administration the most convenient plan is to repeal the old law, and re-enact it with the necessary modifications. But the law to be amended is often contained in more than one Act, and English experience tends to show that attempts to combine consolidation with substantial amendment are rarely successful. Even where there is only one Act that need be amended, a proposal to repeal the whole Act for the purpose of making a single amendment, or two or three amendments of minor importance, is open to many objections. It gives the proposed legislation an appearance of being more important and more extensive in its scope than it really is, and the prudent legislator will usually prefer to minimize rather than magnify his proposals. It obscures, and distracts the attention of the legislature from, the immediate point or points in issue. It throws the whole law into the crucible, exposes to amendment, not merely the particular provisions which the introducer of the bill desires to alter, but all other provisions of the law which appear to be in any way open to criticism, and consequently multiplies the points of attack and the obstacles to progress in a committee of the House. The proposal to repeal and re-enact, not the whole of an Act, but merely a particular section of an Act, is often open to similar objections from a parliamentary point of view. For the section may embody a principle, or may contain provisions, which the introducer of the bill does not desire to question, but which cannot escape criticism if the whole section is proposed for repeal."

22/ The present Municipal Regulation may be retained as the standard Regulation applicable to town Municipalities since the changes proposed to be made in respect of them are fewer than those in the city Municipalities. An amending bill incorporating merely the changes proposed to be made as in the draft of the Town Municipalities Bill which was ~~introduced~~ placed before the Rep. Assembly may be introduced

Serial No.

23) In regard to the city Municipalities, ~~the~~ a consolidating bill on the lines of the draft bill placed before the Rep. Assembly may be introduced.

24) This is the course that has been adopted in Bombay. The Bombay Dt. Municipal Act of 1901 applied to all municipalities (city and town) other than the city of Bombay. In 1919, the Government of Bombay decided that owing to the wide variation in size, resources and development of the municipalities of the Bombay Presidency, it was desirable in the interests of local self-government to replace the existing Dt. Municipal Act by two separate Acts, the one suitable for more advanced municipalities and the other for those more backward. In 1925, the Bombay Municipal Boroughs Act was passed to provide on a more adequate basis for municipal administration in the larger cities. The Act of 1901 was retained for the administration of smaller municipalities. Nine-tenths of the Municipal BoroughsAct are taken in many cases word for word from the Dt. Municipal Act. Our City Municipalities ~~Bill~~ follows the lines of the Bombay Municipal Boroughs Act and our Town Municipalities ~~Bill~~ follows the Bombay Dt. Municipal Act which has been mostly followed in our present Regulation.

25) As the Minor Municipalities Bill contains comparatively fewer provisions and the principles are also ~~entirely~~ somewhat different, it may be introduced as a separate Regulation.

First Member)

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 39

22/12/39

24) for Secretariat to take note

28/12/39

27) A bill to adopt the existing regulation for governing city municipalities was prepared under the orders of the 2nd Member and it was found to be unsuitable.

28) A separate Bill for city municipalities was prepared and a copy thereof as revised under the instructions of the 2nd Member is put up. A draft forwarding the Bill to the Superintendent, Govt Printing is submitted for approval.

29) For perusal before issue (Sec' Secy) Am 23/3

23/3/32

30) H Menon 24/3

31) 26/3/32 26/3

32) Issue draft Am 26/3

To

The Supt Govt Printing

Letter no 6690/ml & 28-332

Forwards a copy of the City Municipalities Bill and asks for 4 clean copies after 2nd proof

Sms 28/3/32

GENERAL SECRETARY 24 MAR 1932 No. 6349

OFFICE OF THE SECRETARY MEMBER OF COUNCIL 24 MAR 1932 No. 8006

City Municipalities Bill.

Note continued.

33/ In revising the bill under the instructions of the 2nd Member, the following important changes have been made besides those accepted by the Government, while the general principles were discussed in the Representative Assembly:-

A. Provisions omitted as unsuitable and unnecessary.

Clause of original bill.	Reference to Section of the existing Regulation.	Subject matter.
4 (4)	4 (4)	Abolition of City Municipalities.
41 (b)	39 (b)	Agreement for levy of octroi jointly by two or more local bodies.
55 Proviso (b)	54 Proviso (b)	Creation of special trusts.
59 (t) & (μ)	54 (t) & (μ)	Promotion of economic development and preparation of lists of children of compulsory age in connection with elementary education.
56	52	Provision relating to sale of electric energy.
62 (q)		Construction of telephone lines and of machinary etc. for generation of electricity.
65	58 A.	Extent of independant authority of municipal councils in respect of

		of economic development.
97	81	Collection of octroi by one local body on behalf of another.
99	81 B.	Levy of toll jointly by neighbouring local - authorities.
157		Duty of police and Municipal Officers to aid fire - brigade.
234	180 A	Restriction on the power of the Deputy Commissioner in regard to control over Municipal Councils.

B. Other changes.

Clause 5.	The minimum population for constitution of City Municipalities has been raised from 8,000 to 25,000.
" 22	As there is no need for more than one Vice- President for a Municipal Council, the provision for more than one Vice - President is omitted.
" 29 (New clause 30)	The President is appointed as a member of the Managing Committee.
Old clauses 30 to 32.	In place of these three clauses, a single clause for constitution of Committees generally as in Madras District Municipalities Act has been inserted.

Old clause 44 New clause 47.	The provision for compulsory acquisition of land is made indentical with that in the District Boards Regulation.
Old clause 50(b) New clauses 49 (b) and 226	The power to make rules in respect of staff of officers and servants their salaries etc., and fixing pensions etc., has been withdrawn from Municipal Councils and - reserved to Government.
Old clause 178 ( ) New clause 173 ( )	It is necessary to give larger powers to Municipal Councils in regard to prevention of dangerous diseases. The power in sub-clause (2) may be exercised by Municipal Councils without any special investiture by the Government.
Old clause 186 New clause 181	In view of the need to encourage small industries using electricity etc., the scope of the clause has been restricted to factories only.

Old Clause 178 (2)

New Clause 144.

It is necessary to give [illegible] powers to Municipal Councils in regard to prevention of dangerous -- diseases. The powers in sub-section (2) may be exercised by Municipal Councils without any special investi the Government.

Old Clauses 208
New Clauses 203 and 204

City municipal Councils are now required to obtain sanction of Government to their budgets. This obligation has now been dispensed with and in order to ensure that proper provision is made for fulfilling the several obligations, power is taken to Government to suitably modify any part of the budget, if necessary. With regard to variations of budget provisions also, full power is given to municipal councils; but they are required to obtain the sanction of Government to reduce the estimated -- closing balance below the prescribed minimum or to reduce the provisions made for the following :-

(a) payment of instalments of -- principal and interest in respect of loans contracted by the Municipal Council.

(b) payment of sums due to Government.

(i) for execution of public works carried out by Government on behalf of municipal councils.

(ii) on account of capital cost of construction of works of permanent nature undertaken by Government on its own initiative and of the cost

(c) payment for maintenance of water supply, dispensaries, schools and other institutions or services managed by Government.

New Clause 226.

The several provisions empowering Government to make rules which are scattered in the existing regulation have been incorporated in a single clause and power has been taken to Government to make rules for generally carrying out for the purposes of the regulation.

New Clause 227

Provision has been newly made for Government cancelling rules or bye-laws of Municipal council after giving opportunity to the municipal council concerned to explain.

Old Clause 252
New Clause 245.

The provisions in which appeals are allowed from the orders of the municipal commissioner to the municipal council have been amplified by inclusion of the following :-

(a) order to carry drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across, or under any place, (new clause 119),

(b) order prohibiting the use of a building or room as a dwelling if it is unfit for such use, (new clause 163),

(c) Orders in respect of establishing factories (new clause 186).

8869

34) Send with the statement of objects and reasons and note on clauses for approval of other orders.

15/4/32

18/4/32

Serial No.

35 have revised and approved the draft st of objects & reasons. The remarks in the file re: Town Municipal Bill re: ~~to~~ municipal boards apply to this bill also.

36 Mepile may now be sent to the Chief Secy for further action by 21-4-32

Ch. Secy
with compts

22/4/32

DEWAN'S OFFICE
2091
26 APR. 1932

OFFICE OF THE
SECRETARY TO COUNCIL
22 APR. 1932
No 9042

37 If approved, the papers will be circulated to the Members of Council.

25/4/32

Dewan,

25/4/32

38 I am not at all in favor of the change proposed in the ~~rule provision~~ clause regarding the removal from office of the Chief officer or M. Commr. It will lead to all sorts of difficulties & place the Pr. officer entirely at the mercy of the M. Cl & make a plaything of him. Nor is it not possible — I think it will be extremely desirable — to provide for the yearly election of the President. Where he happens to be a non-official, of course

Mr. Ewen quite force of course.

NOTE—Contn. Sheet

Serial No.

such an arrangement ought to be in accordance with what obtains in Madras, Bombay & many other places in British India. It ought ~~to be~~ to be conducive to smooth & harmonious working & infuse a sense of responsibility into the M. Councillors which they are utterly lacking in at present.
The matter may be reconsidered, if it is not too late.

Mn
26-4-32

39 Subd to II Member through Secy

MM
27/4/32

~~HM~~ 2874
HM 28/4

40 ~~Both~~ The points refd to above were put in by the Special Com^ee & approved, after discussion, by the Rep^ve assembly. I think the ~~proposed~~ clause re removal of Chief Officers may remain as proposed, as the safeguards agst hasty action seem to be suff^t. ~~But it may be omitted in regard~~ This was also specifically agreed to by the Dewan at the R.T. meeting (page 218 of the Darana R.T. proceed). The provn may be omitted in regard

Flag E

Flag B

NOTE—Contn. Sheet

to Commissioner. Here we may keep the existing section of the Regn 18 b B (3) under which he shall be removed if not less than 2/3rds of the whole no of Councillors vote for such removal.

There is another point I wish to point out & that is the omission of 180 A in the new bill. It involves an important principle which was not placed before the R.A. Further, it will involve us in immediate difficulty with regard to Mysore City Mn where there is a ~~Senior~~ Dy Com as the offl Pres. In view of all this I think that the existing section (which has been recently utilised in the case of Bangalore City) may remain in the bill. I mentioned this matter informally to Mr Mathan.

As regards yearly election of Prests, the offl Com^er thought that yearly elections wd not be conducive to efficiency & The general feeling of the Assembly appeared to be in agreement with this view. Perhaps it wd be difficult to change it at this stage.

28/4.

Dewan

28/4

28/4 Arr 29/4

DEWAN'S OFFICE 7201 29/4/1932

OFFICE OF THE SECOND MEMBER OF COUNCIL 28 APR. 1932 No. 9215

E

P.T.O

Serial No.

43 It is perhaps too late to change the provision contained in the bills as regards the removal of the Chief Officer.

44 With regard$ to the Commissioner, the existing Section 186 B (3) of the Regulation may be retained, as suggested by the Offg. Second Member.

45 It may be made clear that the provision for the automatic vacation of office by the President on a vote or votes of no confidence does not apply to official Presidents, whether appointed ex-officio or by name.

46 It seems, on the whole better to retain Section 180 A of the existing Regulation. Its omission at this stage might possibly give rise to misunderstanding.

47 As regards the term of elected Presidents, it might perhaps be possible to provide that Government shall have power, in special cases, to direct yearly elections, with the consent of the Municipal Councils concerned.

48 According to proviso (c) Section 46 of the existing Regulation, the Municipal Council might dispense with the services of an officer transferred from the service of Government to the service of the Municipal Council only with the assent of the Government. This proviso has been omitted in the bill presumably with the idea that a rule might be enacted to the same effect. It seems however, the better course to retain the proviso in the Regulation itself.

OFFICE OF THE SECOND MEMBER OF COUNCIL
6 MAY 1932
No. 9414

49 For perusal
II Member

4-5-32

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

49 Changes in accordance with the orders above are indicated in the relative clauses of the Bill, and they are for orders. Changes are also made in the Statt of O&R

(Sen' Secy) AM 6/5

⊗ clauses 237 22 (10) 230 22 (12) 49 Proviso

50 Re 180 A instead of retaining the per se it seems better to add

~~Sec~~ Cl 215 - line 2 add (if) before authorised

21 of 218, we may add "authorised by Govt in this behalf" after "Dy Comr" in

Model. to omit 180A

51 The reason is that 215. 217. 218. if they give ~~absolute~~ without qualification certain powers to Dy Comrs cannot very well be subject to a later clause saying these powers can be exercised only after Govt sanction ~~then exercise~~.

AM 7/5

AM 7/5

II Member 52 I think it is better to keep the ~~cl~~ section as it is

AM 7.5 JPM - 7/5/42

Serial No.

53 Checked with Compts

[illegible] 7.5.32
[illegible] 7/5

54 Submd to the I Member
[illegible]
7/5/32
[illegible] 9/5

(55) [illegible]
10/5/32

(56) U.S. Proofs to speak to me as to further action
[illegible]
10/5/32

57) The chief Secretary said that the corrections might be inserted in another copy for further action, & the file submitted to H.H. The amended copy might be sent to the Press for printing the Bill. A proof might be got by the 16th.

Ce
10/5/32

58)

Submd.

The corrections have all been embodied in the copy sent to the Press and a list of corrections has also been sent to the Translation section. Proof has been called for from the Press also separately. A D.7 'n also is submitted.

[illegible] 11/5/32

Ce
11/5/32

59) For approval
[illegible]
11/5/32

60)

Second Member)
[illegible]
12/5

C.L.G. 7.N. Signed by Members
[illegible]
12/5

Ce
11/5/32

FINANCE
9 MAY 1932
No. 2135

OFFICE OF THE
SECOND MEMBER OF COUNCIL
12 MAY 1932
No. 9576

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

55

File No. City Municipalities Bill of 193

General and Revenue Secretariat

D. S. N. Subd.

rm
13/5/32

Dewan)

Ml
13-5-32

33/C

DEWAN'S OFFICE
7465
13 MAY 1932

Final Note by the Second Member of Council.

Subject:—

City Municipalities Bill in Mysore.

B

In accordance with His Highness' sanction accorded on the 13th October 1931, the general principles of the Bill for the regulation of City Municipalities were placed before the Representative Assembly at its Session in October 1931.

The bill duly revised in the light of the discussion in the Representative Assembly was scrutinised and further revised by Mr. Matthan. The bill as thus revised was circulated and the Dewan suggested a few changes which have been also incorporated in the bill. The bill in its final form has been approved by the Dewan and the Members of Council.

The statement of objects and reasons of the bill explains the main changes introduced.

N

I now solicit His Highness' gracious approval to place the bill before the Legislative Council at the next Session.

T Rajagopal
MEMBER OF COUNCIL.

Bangalore,
12th May 1932.

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council* regarding the City Municipalities Bill in Mysore,

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.
13-5-32

Mr.

58

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

~~Mysore~~ City Municipalities Bill.

Order.

KRW
15/5/32

C. Secy
17-5-32

RJ
18/5/32

General and Revenue
Secretariat.

C 33

City Municipalities Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

R. Rangachari
Chief Secretary to Government.

Through the Secretary to Government,
Genl Department.

Hm 19.5.32

7607
19/5

FIRST MEMBER OF COUNCIL. 19/5/32

9752
19/5

SECOND MEMBER OF COUNCIL.

19/5

Genl Secy, with Compts.

RR 19/5/32

Hm 20/5

GENERAL SECRETARY.
20 MAY 1932
No. 7991

NOTE.—Contn. sheet

Serial No.

Submd

The Bill has received H.H.'s sanction. A copy of proof of pages 1 to 16 ~~[illegible]~~ is put up herewith together with the file copy of the bill. Print order has to be given and the proof copy put up may be used. This may be sent to R.A. & L.C. Office for giving strike order. The further copies of the proofs will be returned to the Press after correction as they are received

(1732 RA & LC Office)

20/5

20/5/32

66) Sixteen pages of the finally corrected proof copy of the Bill has been taken and sent to the Press with the usual notification and with intimation that the remaining pages will follow.

23.5.32 (L. S. G. B.)

67) Proofs of Pages 17 to 133 of the city nellis Bill including Statement of Objects and Reasons are herewith put up duly corrected. This may be referred to L.C. Office for kindly sending the same to the Press in continuation

L.C. Office

23532.

68) Proofs of pages 17 to 133 taken and handed over to the employee of the Press who called for them, after Secretary's signature to the memo.

(L. S. G. B.)

23/5/32

69) 23/5

Submd. This may now be sent to the Protection Branch for further action

23/5 Branch for further action

OFFICE OF THE SECRETARY
23 MAY 1932
LEGISLATIVE COUNCIL

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

70) The Bill having been published in the Gazette, Draft forwarding Copies to the Residency is Submd.

The following motions are also suggested for being included in the Agenda for the next meeting of the Legis Cl :-

(1) Motion that the Bill be read in Council

(2) Motion that the Bill be referred to a Select Committee

Mover Second Member

Seconder Genl Secy

The personnel of the Select Committee is also for orders

Done MSK 26/5/32

71) The Select Committee may be fixed up at the ~~date~~ lying of the meeting; The Committee for the other two Municipal Bills may do for this also.

Second Member (through Genl Sec)

Ce 26/5/32

Hm 27/5

GENERAL SECRETARY 26 MAY 1932 No. 8183

72) Spr 27/5

Hm 27/5

OFFICE OF THE SECOND MEMBER OF COUNCIL 27 MAY 1932 No. 9926

73) The draft to the Residency is for orders

Done MSK 28/5

74) Issued P1251 on 1.6.32 26/5

GENL. & REV. SECT. 30 MAY 1932

Serial No.

20

The E.C. (Hon) for kindly noting the proceedings & return

Bom 8/6 Noted and put up

9/6/32 APA

Submitted with reference to paras 71 & 72 for consideration of personnel of the Select Committee

Bom 10/6 Leader (Member) 10/6/32

The same Committee as for the Town Municipalities Bill must be appointed 11/6/32

11/6 11/6

Submitted with draft Cons calling for a meeting of the S.C on 22nd inst & the following days

Bom Noted 6/9/32

Issued No Cons 1495-507 & 9.9.32 Intimates that a meeting of the S.C will be held on 22.9.32

OFFICE OF THE SECOND MEMBER OF COUNCIL
11 JUN 1932
No. 10339

TYPING SECTION
8 SEP. 1932
GENL. & REV. SECTT.

Subs file 17.9.32

NOTE—Contn. Sheet.

*vide page 3 in Leg 63-31-1-3

I wish to place the following suggestion for the kind consideration of the Chairman. The meeting may be held on the 26th Monday and subsequent days for 3 or 4 days. If it not over there may be another sitting after Dasara or during Dasara at Nagpur if there is no objection to the same.

I request you to be so good as to place this suggestion of mine before the Chairman for his kind consideration.

Yours sincerely
K.B. Isaac.

Submit for orders

Bangalore, 14/9

It does not seem to be possible to change the date now. The change may inconvenience others & also official members who may have fixed their programmes.

Secretary (Revenue)

I think so. Regret impossible to change at this late stage.

14/9

Please reply accordingly

OFFICE OF THE HON'BLE MEMBER OF COUNCIL
14 SEP. 1932
No. 2078

H. C. DASAPPA, B.A., LL.B.,
ADVOCATE.

1566 932

SAYYAJI RAO ROAD,
Mysore, 13/9/1982

14/9/82

To
C. Subramanya Iyer Esq. B.A., B.L.,
Secretary to Select Committee
Legislative Council,
Bangalore.

Dear Sir,

I am in receipt of your letter intimating me that the Select Committee to consider the City Municipalities Bill will commence on the 22nd inst.

The notice is somewhat short as we have to adjust our work for 4 or 5 days, and therefore find it extremely difficult to go on consenting for the whole Bill to consideration.

Serial No.

draft filed
Dow MSR
15/9

Dow
15/9

×vide page 6 in Lys 63-32-1-3

×

Issued vide P 162409 15.9.32

Meeting
1.P.M. 22/9.32

Noted
Dow MSR
19/9/32

The Committee sat for three days and considered Chs I & II, XIII, XIV & a few sections in ch XII. It was decided to meet again at Lyperc on 7th & 8th October
Draft notice of meeting is filed. The place and hour are for orders.
The time may kindly be fixed. 12 noon to 4.30 may be suitable
Dow
27/9/32 Second Member

Ce
27/9

Member said that the meeting may be held at 12:30 P.M.
Dow noting
Ce
27/9

Ptly
27/9

Ce
27/9

Issued vide P 1866-78 28.9.32.

TYPING SECTION
28 SEP. 1932
& REV. SECTT.

*vide Page 9 in Lys'63-31-1-3

NOTE—Contn. Sheet.

Serial No.

Submit with draft Report on the City Municipalities Bill and also copies of provisions of Bills to accompany the Reports in the Gazette.

Draft forwarding the latter to Press is submitted.

The former will be get typed after approval.

Issued No P 2128 dt 17-10-32

Bom 15/10/32

This might be get typed
[illegible]
15/10/32

Typed copy of Report (draft) is submitted

Bom 19/10/32

Draft report q/s. City Municipalities Bill as printed up

Second Member)

[illegible] 20/10/32

[illegible]
21/10/32

This should be sent to the members very early

[illegible]
21/10/32

Draft submitted
Bom
21/10

20 OCT. 1932
No. 3101

NOTE—Contn. Sheet.

Serial No.

The following have intimated approval
Messrs N. Madhava Rao, 2 A. Ranga Rao,
K. V. 3 Anantanarayana, 4 Dr Hanne, Mr
B. Abdul 5 Rahman, Mr 6 A. R. Nageswara Iyer
Mr S. P. Rajagopalachari, Mr 8 K. R. Srinivasa
Iyengar

Mr H. Siddaiya T.M. Bill
Mr Balu Srinivasa Iyengar & Vote appended
The others have not rec'd the
Report
draft + fair remaining item is
Read
Done
7.11.32

Mr D.H. Chandrasekharaiah has since
Communicated approval
With the exception of Messrs P.
Subbarama Chetty, H.C. Dasappa &
~~Mr Changalaraya Reddi~~, all other
have received their approval
to the draft Report & the proviso
of Bill to accompany them
Only Mr Balu Srinivasa Iyengar
desires that a note should be
appended by him as at flag P.
Since 12th is the last day for

Since received

NOTE—Contn. Sheet.

publication of Reports of S.C as per L.C. Calendar and the Reports are long, they can may perhaps be published as usual under S.O. 49 and the signatures of others added later on.
Submit for orders with drafts Notifn

Date MSK
11/11/32

All except two have returned the reports assenting to them. The Reports on the two Bills may be published with the signatures of those that have assented. Messrs Dasappa & Subbaramachetty are stated to be ill. We may add their signatures later on by another notifn if necessary. For orders

First Member)

11/11/32

yes - Bills may come in before particular 3940 expires

11/11/32

11/11

11/11/32

Date R. & L.C.
For issue of Notifn

Recd 3.40 P.M.

x No. 2767/S.L.B. Dated 12th Nov. 1932

x Vide page 110 in Legs 63-31-1-3

14.11.32

OFFICE OF THE SECRETARY
12 NOV. 1932
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

12/11/32

General and Revenue Secretariat | File No. | of 193

Serial No.

Mr A.C. Dasappa has returned the Report on Town and City Municipalities Bills with some observations.

These are for perusal and orders as to whether they may be forwarded to be added in the Report

Bm
14/11/32

4 3997

This note will be added to the report.

Fin Member)

Ce
14/11/32

Ce
14/11/32
Please type & issue
it only so that
it may get into the
report in its proper
Ce
15/11/32

OFFICE OF THE SECRETARY
13 NOV. 1932
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Typed copies sent to the (1) Compiler and (2) the Translation Section.

(1) R.R. 2772 Dated 15.11.32
(2) " 2773 Dated 15.11.32

Not forwarded while recording
31/1/34

Note—Contn. Sheet

Serial No.

Mr. R. Subbarama Chetty has forwarded a note to the City Municipalities Bill and communicated his approval to the latter two Bills.

If approved this will be sent to L.C. Office for being published copies being sent to Translation Section also.

Subd

True
21/11/32

If permitted, this will be published in the Gazette as a continuation of the report already published.

(1st Member) 21/11/32

21/11/32 Bm 21/11/32

The Report of the S.C. on the Bill together with the Bills as amended by them are published in the Gazette and a copy is put up.

Since the Bills require the sanction of the Govt. of India for final passing the following motion are suggested:—

(1) Motion that the Report of the S.C. on the Bill and the Bill

OFFICE OF THE SECRETARY
21 NOV. 1932
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

NOTE—Contn. Sheet.

10.

City and Town Municipalities Bills.

File No. 2584 of 193 . | General and Revenue Secretariat

and the Bill as amended may then be taken into consideration
(2) Motion that the Bills be passed at a subsequent meeting of the Council

Dnr MW 25/11/32

Govt Secy
Leand Member

25/11

LTM 26/11

EL 28/11

appd

SJR 27/11

LTM 28/11

GENERAL SECRET. 26 NOV. 1932 No.

26 NOV. 1932 No. 3251

L. C. Office with Ques. MM 29/11/32

OFFICE OF THE SECRETARY 29 NOV. 1932 REC'D LEGISLATIVE COUNCIL.

Noted and petd - Prot.n Bn. as it compto)

1/12/32

L. C. Dis

Serial No.

Mr. H. C. Dasappa has sent some amendments in respect of the Town Municipalities Bill.

The amendments are indicated in the copy of the Bill herewith put up.

Submit for orders

Drn
9/12/32

Second Member) 9/12/32

3757
10/12

GL Secy / remarks. ~~Action~~

10/12

9/12/32

The amendments are in the name of Mr Dasappa who has nominated Councillors are not necessary and that spl interests should be represented thro Spl. Electorates, and that Presidents should be elected only; (vide amendment No 7) & Amendment No 8 does not compromise the section as it stands.

NOTE—Contn. Sheet.

Amdt No. 10. If this is accepted any Municipal Council may cripple a Project work by delegating all his powers to the VP.

No. 11. This has been turned down by the Select Committee as too complicated.

12 + 13. The way of securing Mr Dasappa's aim would be by defining a vehicle in Chap I so as to exclude a bicycle or tricycle not in the way

So I think all the amendments will have to be opposed

HM 13/12

If Member I agree

Generally

SPR 13/12

HM 13/12

G 13/12

Serial No.

Messrs P. Subbarama Chetty and K. C. Das Appa have tabled amendments.

The amendments are indicated in pencil and refers are marked against each amendment.

They go against the principles acknowledged in the early stages and the decisions arrived at in the Select Committee and will have to be approved Subject Govt orders.

Sd
5/12/32

GENERAL SECRETARY
5 DEC. 1932
No.

Gen Sec) 5/12/32

Second Member) 5/12

OFFICE OF THE
SECOND MEMBER OF GOVT.
6 DEC. 1932
No. 3 622

The LS & Section may also examine them & the file may be brought up to me by that Section early

6/12

~~Have consulted the~~

~~[illegible]~~

I have discussed them with the Leg & Govt & all the amendments will have to be opposed

6/12

6/12

8/12

"City and Town Municipalities Bills

File No. of 193

General and Revenue Secretariat

The L.C. Office gen Minute noting which of the amends discussed in the Council were accepted.

Dne
16/1

There were 13 amendments to the Town Municipalities Bill + 8 to the City Municipalities Bill. Not one of them was accepted by the Govt. Some of them were not moved, Some were withdrawn + the rest were put to Vote + lost

Subs
Bstes
17.1.33

To The Protection Br
With compliments

17/1

The Reports of the S.Cs and the Bills as amended by them were considered and the motion to pass the bill into Law at a subsequent meeting was passed. Drafts requesting the Residency to the passing of the Bills into Law are put up + Subs

Dne
24/1

Dsm
24/1

TYPING SECTION
25 JAN 1933
GENL. & REV. SECTT.

vide page 115 ante
*Legi 63-31-1-3

Serial No.

NO Pol 707 01 27.1.33

The Secy to the Resident

Forwards two copies of the City Bill as amended by the Select Committee and adopted by the Legi Co and requests that the Sanction of the Govt of India to the passing of the Bill into Law

NO Pol 708 01 27.1.33

The Secy to the Resident

Forwards two copies of Town Municipality Bill as amended by the S.C and adopted in the Legi Co and requests that the consent of the Govt of India may be obtained to the passing of the Bill into Law.

Subs A

No 4101/704-1932 01 1.6.32

From

The Secretary to the Resident

With refce to Hs 3 & 4 states that the Govt of India have accorded their consent to the Bills ~~to amend~~ viz re the City and Town Municipalities.

Submd for perusal.

The following motion may perhaps be included in the Agenda for

NOTE—Contn. Sheet.

Party and Town Municipalities

File No. 3234 of 193 | General and Revenue Secretariat

for the next meeting of the Legislative in respect of each of the Bills:-

Motion that the Bill be passed.

Mover: The Second Member of Council

Seconder: The Chief Secy

Date 6/6/33

Sundar
2nd Member

6/6

Office of the Second Member of Council, 7 JUNE 1933 No. S.2.S.2.

7/6

7/6

6/8/6

The L.C. Office
for note & return
Noted and pstd to Prot.n Br.

9.6.33

The following Amendment will be included in the Agenda under the Town Municipalities Bill:-

In clause 103 the words 'as prescribed under section 102' shall be substituted for the words 'either as existing or as determined upon for the future'

The 2nd Member that this may be

Date 7/6/33

Serial No.

DEWAN 7451 24 JUN. 1933

Final Note signed by the Member is put up.

Hon
28/6.

Dewan)

C 28/6

24/6/33

NOTE—Contn. Sheet.

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council on the subject of* the Mysore City, Town and Minor Municipalities Bills

for His Highness' gracious approval.

M N Krishna Rao
Offg *Dewan.*

11 ~~78~~

Final Note by the Second Member of Council.

Subject:—

The Mysore City, Town and Minor Municipalities Bills.

P&O

With His Highness' approval, these three Bills were introduced in the Legislative Council at its Session held in June 1932 and referred to Select Committees. The Select Committees slightly revised the Bills and their reports were presented to the Legislative Council on the 15th December 1932 and approved by that Body. The Bills were finally passed by the Legislative Council at its Session held on the 19th instant.

J & T

N

K, L, M

The consent of the Governor-General in Council having also been received, gracious sanction of His Highness is now solicited to the promulgation of the Three Bills as Law. They will come into force from the 1st August 1933.

S Rajagopal

MEMBER OF COUNCIL.

Bangalore
23rd June 1933.

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 637
26.6.33

Subject.

Promulgation as law of the Mysore City, Town and Minor Municipalities Bills.

645

Order.

KRW
28/6/33

Omes
29-6-33

RG
29/6

Promulgation as law of the Mysore City Town and Minor Municipalities Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

R. Rangaiah

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

10734/30/6

FIRST MEMBER OF COUNCIL.

8874/30/6

SECOND MEMBER OF COUNCIL.

L. S. G.

NOTE.—Contn. sheet

This has to go in the Production Branch Magazine and there

Serial No.

Proof of minor municipalities Regn. has been compared & draft is put up ordering its publication

It is for ordering up any extra copies more than the 100 which must have got to the printers

Sec
19/7

200 in English & 120 in Kannada extra copies might get printed as all minor M.ties will need them - C 19/7

Sec

13 JUL. 1937
& REV. SE

Drafts for G.O. ordering the publication of the Town and City M.l Regns are herewith put up & submitted

Sec
17/7

C 17/7

4 No P 264 01 14. 7. 33

The compiler

Publishes the minor Municipalities Regn as Regn IX of 33

5 No P 294 01 17. 7. 33

The compiler

Publishes the Mysore Town Municipalities Regn as Regn VIII of 33

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

~~67~~ 83

6200

Legi File No. 62 of 193 1.

General and Revenue Secretariat

No P295 01 17.7.33

Re Compilation 6

Published the City Municipalities

Rg - 20 Regn VII of 33

Press file.

Serial No.

Certain printing mistakes have been found in the Gazette copy of the Town Municipalities Regn, & also in the Town Municipalities Regn

The Press may be required to rectify them in the extra copies required and in case copies have been printed an Errata slip in the form enclosed may be attached at the end

Submd per orders with draft

GENL. & REV. SECTT. 26. JUL. 1933

Dom 26/7

26/7/33

Issued no P 461 of 27.7.33

Submd with draft forwarding 'Errata' Slip in respect of City Municipalities Regn.

Dom 4/8

4/8/33

TYPING SECTION 1. AUG. 1933 GENL. & REV. SECTT.

Issued no P 558 of 2.8.33

NOTE—Contn. Sheet.

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

Drafts forwarding copies of Regns IV to XI of 1933 to the Residency, to H.E.H. the Nizam's Govt. & the Govt. of ~~H.H.~~ the Maharaja of Travancore are enclosed for sig & send

Sd
9/8/33

Sd
9/8

TYPING SECTION
10. AUG. 1933
GENL. & REV. SECT.

The Secy to the Resident
Issued no Dd 144 of 11.8.33
The Secys to the Govts of
H.E.H. the Nizam & ~~to~~ the Maharaja
of Travancore
Issued no 725-26 of 11.8.33

A Record
14.8.33

The Mysore Representative Assembly.

DASARA SESSION—OCTOBER 1931.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. General Principles of the Bill for the amendment of Section 73 of the Mysore Forest Regulation.

Under the existing law, every occupant or holder of land is responsible for the preservation of all sandal trees growing thereon and is liable to pay compensation on account of any injury caused to such trees, in case he fails to report the injury or to prove that it was not caused by his own act or neglect. The Sandalwood Committee have recommended in their report published with Government Order No. G. 5082-95—Ft. 26-29-14, dated the 11th November 1930, that the person in actual possession (*i. e.*, the Anubhavadar) of the land be made primarily responsible for any damage caused to sandal trees on his land and that the registered occupant be held liable only when the compensation for the damage cannot be recovered from the Anubhavadar. This recommendation of the Committee has been approved by Government and the amendment proposed is intended to give effect to it.

II. General Principles of the Bill further to amend the Mysore District Boards Regulation, 1926.

Under Section 68 of the Mysore District Boards Regulation, Railway Cess should be utilized solely for the construction of Railways and Tramways or for guaranteeing the payment of interest on capital expended on any Railway, Tramway, or other works which may directly improve the means of communications within the district in which it is levied or between such district and other districts. The Chitaldrug District Board resolved on 18th January 1930 that they may be permitted to utilize the Railway Cess for the improvement of ordinary communications. Subsequently, the Tumkur District Board requested Government in November 1930 that they may be permitted to utilize the interest on Railway Cess for the construction and maintenance of roads. The District Boards of Kolar, Mysore and Shimoga who were consulted in the matter have agreed to the proposal of the Tumkur District Board.

It is accordingly proposed to amend Section 68 of the District Boards Regulation, so as to allow the utilization, on works which may improve the means of communication in the District, of the whole or any portion of the interest derived from investment of Railway Cess not immediately required for expenditure, or the income from Railways which is in excess of the amount required for repayment with interest of the loans raised, or the amount required for guaranteeing the payment of interest on capital expended for the construction of Tramways or Railways.

The matter is referred to the Representative Assembly for an expression of their views.

III. General Principles of the Bill for the amendment of the Mysore Stamp Regulation.

As one of the measures for improving revenue, the Mysore Retrenchment Committee 1931 observed that the existing uniform rate of stamp duty of one anna irrespective of the amount leviable on "On Demand" promissory notes was low and recommended that the graduated scale as in British India may be adopted. The rates of duty as proposed to be revised will be as below:—

Promissory Note:—

(a) When payable on demand—	
(i) When the amount or value does not exceed Rs. 250 ...	One anna.
(ii) When the amount or value exceeds Rs. 250 but does not exceed Rs. 1,000	Two annas.
(iii) In any other case	Four annas.

Government accept the recommendation and action is proposed to be taken to introduce a Bill for the amendment of the Mysore Stamp Regulation on this behalf.

IV. General Principles of the Sale of Goods Bill.

The Indian Contract Act IX of 1872 was introduced into Mysore during the Commission days by means of the Government of India Notification of 27th May 1878. Chapter VII of the Act dealing with the subject of the sale of goods has recently been repealed in British India and replaced by a separate Act, called the Indian Sale of Goods Act, (Act III of 1930). The scheme, wording and arrangement of the said Act follows closely the English Sale of Goods Act of 1893 (56 and 57 Victoria, Chapter 71) which is regarded as a very successful and correct codification of this branch of the mercantile law and has met with uniform approval and has been copied in most of the Dominions and Colonies in the British Empire and in the United States of America.

The Indian Act of 1930 was drafted by a special Committee of leading lawyers of India presided over by Sir B. C. Mitter as its Chairman. The Committee observe as follows regarding the necessity for amending the existing law on the subject:—

"Whatever merit the simple and elementary rules embodied in the Indian Contract Act may have had, and however sufficient and suitable they may have been for the needs which they were intended to meet in 1872, the passage of time has revealed defects, the removal of which has become necessary in order to keep the law abreast of the developments of modern business relations. The law relating to the sale of goods appertains mainly to mercantile transactions. There can be no doubt that during the last half century, conditions in this country relating to trade and business have undergone material changes. Methods of business have largely altered and new relations have arisen between man and man. In dealing with these relations, it has been necessary to give recognition to new principles, and the Indian Courts have found that a law enacted more than fifty years ago is entirely inadequate to enable them to deal with these new relations or to give effect to the new principles. The result has been that, on various occasions the Courts have had to hold that Chapter VII of the Indian Contract Act is not exhaustive, and to import therein analogies from the decisions of the English Courts.

"The English law relating to the sale of goods which was admittedly the basis of Chapter VII of the Indian Contract Act has itself, since 1872, undergone drastic changes, and was finally codified in 1893 by the present Sale of Goods Act (56 and 57 Vict., C. 71) which discards many of the old common law rules upon which Chapter VII of the Indian Act was based, in favour of provisions more suited to modern conditions or more convenient in actual practice.

"In mercantile transactions, a conflict of laws should, as far as possible, be avoided. Uniformity of law in various countries, particularly in those which have business or trade dealings with one another, is highly convenient and desirable. We therefore, approve of the proposal to adopt the provisions of the English Sale of

Goods Act so far as they are suitable to Indian conditions as the basis for the present Bill, and thus to make the Indian Law relating to the sale of goods as nearly as possible uniform with the law in force in other parts of the British Empire.

"The Committee retained several of the provisions of the Indian Contract Act which are useful to meet the special conditions existing in India, and adopted these provisions of the English Act which suited the needs and exigencies of this country."

"The above statement and the reasons contained therein equally apply to Mysore. Our merchants in Mysore have large mercantile business with British India and it is very desirable, therefore, to make our law on the subject of sale of goods uniform with that in force in British India.

The Judges of our High Court have been consulted in the matter and they strongly recommend the adoption of the Indian Sales of Goods Act to Mysore.

The main points of importance that the Bill seeks to embody in the existing law are thus stated by the Special Committee.

"(*a*) The present Bill embodies the principle that the question whether a contract for the sale of goods does or does not pass the property in the goods from the buyer to the seller must in all cases be determined by the intention of the parties to the contract. The provisions of Chapter VII of the Indian Contract Act are vague and conflicting on this point. The Bill codifies the rules by which that intention may be ascertained, but the operation of these rules will be displaced by any terms of the contract defining the intention or by any attendant circumstances, including the conduct of the parties, rendering it ascertainable. In following this principle, we have borne in mind that in mercantile matters the certainty of the rule is often of more importance than the substance. If the parties know beforehand what their legal position is, they can provide for their particular wants by express stipulations. Sale, after all, is a consensual contract and the Bill does not prevent the parties from making any bargain they please. Its object is to lay down clear rules for the cases where the parties have either framed no intention or failed to express it.

"(*b*) The distinction between a sale and an agreement to sell, which was not clear in Chapter VII of the Indian Contract Act, has been clearly brought out. This distinction is very necessary to determine the rights and liabilities of the parties to the contract.

"(*c*) It is made clear that a contract of sale can be made by mere offer and acceptance. Neither payment nor delivery is necessary for the purpose.

"(*d*) In the Indian Contract Act the word "warranty" has been used in a very vague sense. In some provisions it denotes a condition which would enable a party aggrieved by its breach to repudiate the contract, while in others it enables him to claim damages only. In the Bill this ambiguity has been removed.

"(*e*) There is much conflict of decisions regarding the meaning of section 108 of the Indian Contract Act which relates to sales by ostensible owners. This is to a certain extent due to the obscure phraseology of the section itself. The Bill removes this obscurity in clauses 27 to 30 of the Bill and simplifies the law on the subject.

"(*f*) The rules relating to delivery to carriers, stoppage in transit and action sales are elaborated."

V. General Principles of the Bill to amend the Indian Contract Act 1872 as in force in Mysore.

Section 108 of the Contract Act dealing with the subject of sales of goods by persons who are in possession of the goods as ostensible owners has been materially altered by clauses 27 to 29 of the proposed Sale of Goods Bill. Section 178 of the Act relating to pledges, which is a cognate section and is based on the same principle as section 108, has consequently been amended in British India by Act IV of 1930, and the present Bill proposes to do the same thing in Mysore, so as to bring the law in confirmity with that in British India.

VI—General Principles of the Municipal Bills for the management of municipal affairs in (1) Cities, (2) Towns and (3) Minor Municipalities.

At the last session of the Assembly it was agreed that, for the regulation of the affairs of each of the three classes of municipalities, it was expedient to have a separate Regulation and that a Committee be appointed for drafting three separate Bills for the purpose. A Committee was appointed for this purpose in June 1931 and the main changes recommended by the Committee are placed before the House for an expression of their views.

I. CITY AND TOWN MUNICIPALITIES BILLS.

The main changes introduced in these Bills are the following:—

Reference to existing Regulation and Bills.

(1) Constitution of Town Municipalities.

Section 7
Clauses 5 and 6

The minimum population for a Town Municipality is fixed at 5,000. In order that areas the population of which falls short of this standard by a few hundreds may not be deprived of the advantages of a Town Municipality, it is provided that local areas which have an annual normal income of Rs. 10,000 be also generally constituted as Town Municipalities.

(2) Elected Element on Town Municipal Councils.

Section 10
Clause 9

The minimum strength of the elected element on the Town Municipal Councils is raised from one-half to two-thirds of the total strength.

(3) Qualifications of voters and candidates.

Sections 11, 12 and 21.
Clause 10.

The qualifications for voters and candidates have been specified in certain cases in the existing Regulation and the qualifications in other cases are regulated by rules framed by Government. It is decided to leave the qualifications of voters and candidates to be regulated by rules framed by Government.

(4) Publication of Election Rolls.

Section 13
Clause 11

It is considered unnecessary to annually revise the municipal election roll and publish it every year. It is sufficient if the municipal election roll is prepared only once in three years and opportunity is afforded to persons newly qualified to have their names enrolled at any time except within one month preceding the date fixed for an election.

(5) Disqualification to be Councillors to cease automatically.

Section 15 (1)
Clause 12 (1)

Under the existing Municipal Regulation the disqualifications in certain cases will continue to operate unless an order to the contrary is passed by Government. It is decided to automatically terminate the disqualifications after the lapse of a definite period as in the case of District Board members and to bring the disqualifications into line with the provisions in the District Boards Regulation.

(6) Removal of Councillors.

Section 16
Clause 14

It is considered necessary to afford opportunity to councillors to explain at an enquiry before removing them from office.

(7) Election disputes.

Section 22, Clause 20.

In order to obviate vexatious complaints, it is considered necessary to prescribe that the validity of a municipal election should be disputed by a candidate who stood for election or by at least 10 persons qualified to vote at the election and that a deposit should accompany the applications as in the case of elections to the District Boards. Provision is also made for appeals on points of law to the High Court from the orders of the Judge in election disputes. This provision is also made applicable to the election of Presidents by the general body of voters.

Clause 21.

It is also considered necessary to debar civil suits in regard to matters relating to appointment or removal of councillors, Presidents or Vice-Presidents, except where they are specially provided for.

(8) Presidents and Vice-Presidents.

Section 23 (1), Clause 22 (1).

It is decided to leave the appointment of Vice-President to the discretion of the Municipal Council instead of the Government.

Clause 22 (5).

Salaried servants of Government are specifically made ineligible for election as Presidents and Vice-Presidents.

(9) *Vacation of seat by Vice-President on becoming President.*

Clause 22 (9).

There is no provision in the existing Regulation declaring that a Vice-President who is elected or appointed as President should be deemed to have vacated his office as Vice-President. It is necessary to afford facilities to other members for being elected as Vice-President by creating a vacancy in the office of the Vice-President.

Clause 22 (10).

(10) *Vacation of offices by elected and nominated Presidents and Vice-Presidents.*

There is no provision in the present Regulation for the automatic vacation of office by elected and nominated Presidents and Vice-Presidents when resolutions are passed for their removal. It is proposed to provide for such vacation,

(a) when a resolution to that effect is passed at a special meeting by a majority of not less than two-thirds of the whole number of Councillors, and

(b) when resolutions to that effect are passed by a majority of not less than one half of the whole number of Councillors at two special meetings held within an interval of not less than one month and not more than four months.

(11) *Removal of Presidents and Vice-Presidents who are unable to pay their debts.*

Section 23 (9), Clause 22 (11).

Under the rules prescribed for the conduct of public servants, a Government servant who is constantly arrested for debts or a moiety of whose pay is constantly being attached or is attached for a sum which in ordinary circumstance cannot be repaid within a period of two years, is liable to dismissal. This rule is not applicable to non-official Presidents and Vice-Presidents. Under the present law, Government cannot take action against a non-official President or Vice-President even though he is arrested for debt. Under the existing Regulation such Presidents and Vice-Presidents will be disabled to continue in office only if they are declared insolvent. The administration of the Municipal Councils will be brought into contempt by having a President or Vice-President who is unable to pay his debts and it is necessary

to remove such President and Vice-President from office when an order of attachment in execution of a decree is subsisting against his property for a long time or when an order of his confinement in jail in execution of a decree is in force.

(12) *Executive powers of Presidents.*

Section (24), Clause 24.

Under the present Regulation, the Chief Officers and Municipal Commissioners exercise certain executive powers of the Municipal Council even without delegation by the Municipal Council. In the municipalities for which there is neither a Chief Officer nor a Municipal Commissioner, the President can exercise these powers after delegation by the Municipal Council and it is possible for the municipal council in some cases to paralyse the municipal administration by reserving the executive powers to themselves or delegating them to committees which may not function promptly and properly. To facilitate the executive administration in such municipalities, it is considered necessary to empower Presidents to exercise the powers that might be exercised by the Municipal Commissioners in City Municipalities, and by Chief Officers in Town Municipalities.

(13) *Powers of Vice-President.*

Section 25 (1), Clause 26 (1).

The duties of the Vice-Presidents are not at present uniform in all the municipalities. It is proposed to take power to Government to define more definitely the powers of the Vice-President, by rules or orders.

Section 25 (2), Clause 26 (2).

In cases in which the Deputy Commissioner, Amildar or Deputy Amildar is an *ex-officio* President of the municipal council, it is considered necessary to authorise the Vice-President to exercise the powers of the President when the latter is absent, notwithstanding the provisions contained in Sections 9 and 13 of the Land Revenue Code.

(14) *Meetings of the Municipal Councils.*

Section 26 (2), Clause 27 (2).

Complaints have reached Government of undue delay in summoning special meetings duly requisitioned. Power is therefore given to the Vice-President or at least one-third of the whole number of councillors to call a special meeting if the President does not call the meeting for a date not more than fifteen days after the presentation of the requisition.

Section 26 (7), Clause 27 (7).

The quorum of one half for meetings of Town and Minor Municipal Councils is large and it is necessary to prescribe a uniform quorum of one-third for meetings of all Municipal Councils.

Section 26 (14), Clause 27 (16).

Certain officers of Government specified in Section 26 (14)(a) of the existing Regulation have alone the right to attend the meetings of the Municipal Councils. Power is taken to Government to allow any officer notified by the Government in this behalf to attend meetings of Municipal Councils.

(15) *Contracts.*

Clause 42 (5). Section 40 (2) & (4), Clause 42 (2) & (4).

It is necessary to require the Municipal Councils to invite tenders for the supply of materials for execution of works when the value exceeds Rs. 200 in Town Municipalities and Rs. 500 in City Municipalities, and to obtain sanction of Government to the acceptance of tenders when the cost exceeds Rs. 5,000 in Town Municipalities and Rs. 10,000 in City Municipalities.

Section 40 (2) & (4), Clause 42 (2)&(4).

The powers of Municipal Councils in respect of purchase and sale of movable property and in respect of the transfer of immovable property are too low and they are proposed to be raised to Rs. 2,000 in the case of City Municipal Councils and Rs. 1,000 in the case of other Municipal Councils.

Section 42, Clause 45.

(16) *Liabilities of Municipal Councillors, Presidents and officers and servants.*

Municipal Councillors and Presidents are now personally liable for misapplication of municipal funds to which they have been a party or which shall have happened through or been facilitated by gross neglect of duty. It is necessary to provide not only for misapplication but also for loss or waste of money or other property of the Municipal Council. As the Councillors have generally no executive functions to perform unless they are delegated in specific cases, it is proposed to make the Councillors liable for loss, waste or misapplication caused directly by their misconduct. In the case of the Executive Officer, Chief Officer or any person on whom executive functions are conferred or to whom such functions are delegated, it is proposed to make them liable for loss, waste or misapplication caused not only by misconduct but negligence also.

Clause 48.

With a view to prevent sudden strikes and dislocation of essential municipal services, it is considered expedient to require municipal employees engaged for providing such services to give a month's notice before resigning or absenting from their duties and to make the omission so to give such notice penal.

(17) *Rules and By-laws.*

Section 46 (g), Clause 50 (g).

There is no provision in the Regulation to make rules for authorising payment of compassionate gratuity to surviving relations of municipal employees. Necessary provision is made so that the Municipal employees may have the same benefit as Government employees in this respect.

Section 46 Proviso (a), Clause 50 Proviso (a).

In order to secure uniformity in regard to levy of taxes by Municipal Councils and matters incidental thereto, it is considered necessary to take power to Government to frame rules in the matter.

Section 48 (1), Clause 52 (1) (k) (m) and (z).

Provision is also necessary for numbering and registration of all vehicles liable to municipal taxation, for fixing terminal tax limits and taking measures for regulating the management of public parks and open spaces vested in the Municipal Council.

(18) *Functions of Municipal Councils.*

Section 56.

The purposes for which the Municipal fund may be spent at the discretion of the Municipal Councils are amplified by the addition among others of the following :—

Clause 62 (d).

(a) promotion of Co-operative Societies for the benefit of municipal employees and of societies whose objects include housing the poor and working classes.

Clause 62 (k).

(b) provision of facilities for antirabic treatment,

Clause 62 (q).

(c) provision of telephone service, transport facilities to the public and supply of electricity for lighting and power for public and private purposes;

Clause 62 (r).

(d) maintenance of ambulance service.

Clause 62 (e).

Provision of accommodation for any class of municipal servants and of grant of loans to such servants for construction of houses subject to the rules to be prescribed by the Government in this behalf is also included in the discretionary powers in order to make Municipal service more attractive.

(19) *Municipal Taxes.*

Section 59, Clause 67.

The maximum rates of taxes are specified in the body of the existing Regulation in some cases and in the schedules in other cases. To secure uniformity, the maximum rates of taxes are fixed in the schedules only.

Schedule I of the Regulation.
Schedule III of the Bill.

The existing maximum rates of tax leviable on motor vehicles are not adequate. The rate on motor buses and lorries is raised to Rs. 60 while that on motor cars of 15 cwts. and more is enhanced to Rs. 40 a year. The maximum rate on bicycles and tricycles in Town Municipalities is reduced from Rs. 6 to Rs. 3 a year.

Schedule II of the Regulation.
Schedule IV of the Bill.

The maximum rates of toll are made identical with those leviable on State Roads and the levy of toll on animals is discontinued. Provision is also made for the levy of terminal tax when octroi is not levied.

Clause 67.
Proviso (*d*).

Power is also taken to Government to grant and define by order exemptions from payment of tolls and other taxes in exceptional cases in addition to those given in the Regulation or provided for by the Municipal Councils in the rules.

Clause 71.

It is also considered desirable to appoint for each District an Assessor for assessing taxes imposed in the form of a rate on buildings and lands. The Assessor will also conduct the revenue audit of Municipalities and towards his pay and allowances and those of his establishment, the Municipal Councils are required to contribute in proportion to their income.

Section 71.
Clause 86 (4) and (5).

Absence of specific provision for composition of tolls is causing a great deal of inconvenience. Provision is made for composition of tolls and also of octroi in order to minimise the inconvenience incidental to the levy of the duty.

Section 83 (1) (c).
Clause 101 (1) (c).

To facilitate collection of dues, power is given to Municipal Councils to attach and sell immovable property of defaulters.

Section 86.
Clause 107 (2).

Decisions of Magistrates on appeals against notices of demand are not now subject to revision. Provision for revision in these cases is therefore made.

(20) *Regulation of Streets and Buildings.*

Clauses 110 & 111.

No specific provision exists for Municipal Councils to temporarily close public streets for executing works. Necessary provision is made for this purpose and power is given to Municipal Councils to create facilities on such occasions to the people concerned and pay compensation to persons sustaining special damages by such works.

Section 96 (2).
Clause 122 (2).

In regard to new buildings, Municipal Councils are given power to impose, without any special authorisation by the Government, conditions as to materials, dimensions and cubical contents of the rooms, doors and windows and to the number of storeys to be erected or the purposes for which the building is to be used.

Section 96 (2).
Clause 122 (2).

It is proposed to give power to the Municipal Council in the case of new buildings to be constructed on sites not laid out by the Municipal Council or a competent authority, to direct that they shall not be proceeded with until all questions connected with the respective locality of the building and streets, existing or projected, are decided, the direction being in force only for a period not exceeding six months from the date of the direction.

(21) *Sanitary matters.*

Clause 163.

It is considered necessary to empower Municipal Councils to prohibit the use as a dwelling, of a building or room which is unfit for human habitation if the owner or occupier fails to carry out, within a reasonable time, improvements detailed in a notice served on him.

In the interests of sanitation it is also considered necessary to give power to the Municipal Councils to—

Clause 167.

(*a*) regulate the construction of tanks and ponds, and

(*b*) to deal with collections of water which are likely to be breeding places of mosquitoes.

Section 151.
Clause 185.

Provision is also made for prosecution of nuisances from quarries and cart-stands by bringing them within the scope of the section dealing with nuisances from trades and occupations.

(22) *Power to fix costs.*

Clause 197.

It is also considered necessary to empower Municipal Councils in cases of dispute to fix the amount of costs or expenses which have to be paid under the Regulation in all cases in which special provision has not been made therefor in the Regulation.

(23) *Audit of Accounts.*

Section 170.
Clause 210.

Audit of the Municipal Accounts by a Government Auditor is made compulsory.

Clause 214.

Power is given to the Deputy Commissioners to surcharge on the report of the Auditor the persons responsible for deficiency or loss caused by their negligence or misconduct, after affording them opportunity to explain.

(24) *Powers in regard to control.*

Clause 221.

There is no specific provision for inspection of City Municipal Offices. Power to inspect these offices is given to the Government or any officer authorised by Government in this behalf. As the Deputy Commissioners find it difficult to inspect the Town Municipal Offices themselves, it is considered necessary to empower Deputy Commissioners to delegate their power of inspection to Assistant Commissioners.

Clause 222.

Power is taken to Government to annul or amend any proceeding or resolution of Municipal Councils or their executive which is not in conformity with law or orders in force after consideration of any representation that may be made by the Municipal Councils.

Section 174.
Clause 223 (2).

It is considered desirable that before confirming, revising or modifying the orders of Deputy Commissioners suspending resolutions of Municipal Councils, Government should afford opportunity to the Municipal Councils concerned to show cause against the orders.

Clause 235.

Government Officers or other persons who take lawful action on behalf of or in default of Municipal Councils and enter into contracts, etc., are also afforded the same protection as is extended to Municipal authorities.

(25) *Chief Officers.*

Section 182.
Clause 236.

In order to provide for satisfactory discharge of executive routine administration, the appointment of Chief Officers is made compulsory, except in special cases where Government consider such appointment as unnecessary. This is necessary as the Municipal Council or the Committee in whom the executive administration is vested under the existing Regulation can do little more than determine questions of policy and the Government Officers who are *ex-officio* Presidents in the majority of Municipalities or the non-official Presidents in a few Municipalities cannot be expected to devote minute attention to Municipal matters.

Clause 238.

In order that there may be no clash between the Chief Officer and the President who is the Chief Executive officer, it is provided that the Chief Officer should exercise his powers and perform his duties subject to the general control of the President.

VII. General Principles of the Bill further to amend the Mysore District Boards Regulation, 1926.

Under the rules prescribed for the conduct of public servants, Government Servants who are constantly arrested for debt or a moiety of whose pay is constantly being attached or is attached for a sum which in ordinary circumstances cannot be repaid within a period of two years are liable to dismissal. This rule is not applicable to the non-official Presidents and Vice-Presidents of District Boards. Under the present law, Government cannot take action against a non-official President or Vice-President even though he is arrested for debt. Under the existing District Boards Regulation, such Presidents and Vice-Presidents will be disabled to continue in Office only if they are undischarged insolvents. The Committee appointed in June 1931 to prepare a separate Bill for the management of the Municipal affairs of each of the three classes of Municipalities considers that the administration of local bodies should not be brought into contempt by having a President or Vice-President who is heavily in debt and unable to pay his debts and that Government may take power to remove such Presidents and Vice-Presidents from Office when an order of attachment in execution of a decree is subsisting against his property for a long time or when an order for his confinement in jail in execution of a decree is in force. As this principle is equally applicable to the case of District Boards also, it is proposed to amend the District Boards Regulation in accordance with the views of the Committee and the matter is placed before the Representative Assembly for an expression of their views.

VIII. General Principles of the Bill further to amend the Mysore Motor Vehicles Regulation, 1928.

It has been found during the course of the working of the Regulation that defunct motor bus services often evade recovery of arrears of moneys due by them. With a view to facilitate speedy recovery, it is proposed in this Bill to make the procedure provided in the Land Revenue Code for recovery of arrears of land revenue, applicable to the levy of such moneys.

C. SUBRAHMANYA AIYAR,
Ex-Officio *Secretary*,
Representative Assembly.

WD 742—GPB—400—10-10-31.

II. MINOR MUNICIPALITIES BILL.

THE SECOND MEMBER OF COUNCIL explained the general principles of the Bill as follows:

II. MINOR MUNICIPALITIES BILL.

The existing Regulation is found to be unsuitable to Minor Municipal Councils and these Councils have been excepted from many of the provisions of the Regulation. Minor Municipalities do not require elaborate provisions and the provisions to be made may be limited to what are really essential, the remaining provisions being regulated by rules which the Government may prescribe. The Minor Municipalities Bill has been prepared, keeping these principles in view. The most important changes introduced by the Bill are the following, :—

(1) CONSTITUTION OF MINOR MUNICIPALITIES.

Clause 4. The minimum population for constituting an area as a Minor Municipality is fixed at 3,000.

THE SECOND MEMBER OF COUNCIL explained that in the existing Regulation the population limit was 2,000 and that it was proposed to increase it to ~~xx~~ 3,000. He also said that in other Provinces the minimum was fixed at a higher level.

Mr. V. V. IYER thought that not only the minimum population but also the minimum income might form the basis for the constitution of a minor municipality. Many members represented that the minimum population might be fixed at 2,500.

Mr. VENKA REDDY said that even certain larger villages with a larger population were satisfied to remain as village panchayets and did not favour their conversion into minor municipalities for the reason that such a conversion would involve greater financial responsibilities. He therefore did not favour any lowering of the population limit.

KHAN BAHADUR MAHOMED ABBASKHAN AND MR. K.A. RAHIM were also of the same opinion and observed that this Regulation should not defeat the Village Panchayet scheme.

Mr. MAHOMED IMAM observed that it would be easy

enough

enough for any local area to constitute itself into a minor municipality but the difficulty would be experienced only while maintaining it. Certain heavy responsibilities like road maintenance, opening of hospitals, travellers' bungalows, and giving grants to certain institutions, etc., would spring up which it would be beyond the means of a small area to meet. He knew of certain places in the Chitaldrug District where they wanted to go back to their old position as village panchayets. He was therefore for retaining the population at 3,000.

THE SECOND MEMBER OF COUNCIL explained that this question was fully discussed by the Municipal Committe before the minimum was fixed and that it was not desirable to reduce it.

The provision was accepted.

(2) E L E C T I O N S.

THE SECOND MEMBER OF COUNCIL explained that the Mysore State would have the unique privilege of setting an example to other places by the adoption of adult suffrage. It would also do away with the property qualification.

Mr. B. GOPALACHAR was not in favour of introducing adult franchise on the ground that the people in the villages were quite illiterate. He was of opinion that the experiment should be tried in bigger municipalities to start with.

KHAN BAHADUR MAHOMED ABBASKHAN and Mr. KHAJA PEERAN, on the other hand, were for making a beginning from the bottom and gradually applying the principle

of

of adult suffrage in the case of elections to all other constitutional bodies. They also suggested that the gosha ladies should be given the privilege of voting by proxy.

The general feeling in the Assembly was against the introduction of the proxy system in elections as it would lead to grave abuses.

Mr. G. CHENNAPPA said that to meet such cases, women polling officers might be appointed instead of introducing the proxy system.

The DEWAN said that it might be possible to frame suitable provisions in the rules.

Mr. V. V. IYER said that under the proposed measure residence for six months was necessary. There might arise cases where some people might have to live outside for that period in the interest of their health and that in such cases, it would be unjust to deny them the privilege of voting. He thought that such cases should also be provided for.

THE DEWAN replied that the question would be considered.

Messrs. D. S. MALLAPPA & V. VENKATAPPA wanted the elected element in the Minor Municipalities also to be increased from ⅓ to 2/3.

The DEWAN said that the suggestion would be noted.

With regard to the second part (clause 11), Mr. MAHOMED IMAM thought that instead of appeals being permitted direct to the High Court, it might be made to lie to the Sessions Court.

The SECOND MEMBER OF COUNCIL said that it was not necessary to provide for intermediate judiciary.

Thereupon the provision was agreed to.

(3) PRESIDENTS AND VICE PRESIDENTS.

(Here enter printed matter)

This clause was agreed to.

(4) EXECUTIVE OFFICERS.

(Here enter printed para)

This was accepted.

(5) LIABILITIES OF THE MUNICIPAL COUNCILLORS AND MUNICIPAL OFFICERS.

Mr. B. GOPALACHAR brought to notice the case of some councillors who might not have attended the meetings at all and enquired why they should be penalised.

THE SECOND MEMBER OF COUNCIL replied that it was only in cases involving misconduct of the Councillors that this provision would apply and that the same principle had been adopted in the case of all the 3 types of municipalities.

Thereupon, the provision was accepted.

(6) APPEALS.

Clause 46. Appeals are allowed to the Municipal Council from the orders of the President.

Mr. T. MARIYAPPA suggested that a specific provision should be embodied for a further appeal to the Deputy Commissioner. For, under Sec.231, the Deputy Commissioner could only call for records and submit them to Government for orders, and that the same procedure should be adopted in the case of town municipalities also.

THE SECOND MEMBER OF COUNCIL said that the question of town municipalities did not arise but that in regard to minor municipalities, necessary provision in Secs. 36 and 38.

This was agreed to.

(7) CONTROL.

(Here enter the printed matter)

Messrs. D. S. MALLAPPA & B. GOPALACHAR said that the word 'Deputy Commissioner' should be substituted for 'Assistant Commissioner'.

THE DEWAN replied that it could not be done as in the case of minor municipalities it would not be possible for the Deputy Commissioner to do all the supervising and controlling work. The Assistant Commissioner was for most purposes as good as a Deputy Commissioner.

This was agreed to.

Clause 53. ~~[illegible]~~

As in the Town and City Municipalities, the Deputy Commissioner is empowered to surcharge persons responsible therefor after affording them opportunity to explain.

This was agreed to.

Clause 42. Provision has also been made for investigation by Government of complaints from ratepayers against municipal administration and dissolution of Municipal Councils in cases of necessity.

This provision was accepted.

3. TAXATION.

Messrs. D. S. MALLAPPA AND H. B. GUNDAPPA pointed out that having extended the privilege of adult suffrage to these bodies, it was not right for the Government to curtail the ordinary rights due to them under the local self-government scheme. They therefore pleaded that the levy of taxation might be left to the discretion of the municipal bodies concerned, as they might be trusted to regulate it according to the needs of the particular locality and according to the capacity of the people.

THE SECOND MEMBER OF COUNCIL observed that having given extra powers to the Minor Municipalities, Government deemed it necessary to make provision for certain safeguards. He assured the Assembly that Government

would exercise the reserve power only when a particular council failed to collect enough money to carry on its primary functions.

Mr. H. B. GUNDAPPA suggested that as in the case of the Village Panchayets, the Government might fix both the minimum and maximum rates here also. He said that the proposal embodied in the Bill was opposed to all canons of taxation.

THE SECOND MEMBER OF COUNCIL explained that the case of the Village Panchayet was quite different. In all the other ~~xxxx~~ Bills ~~x~~ the maximum alone was fixed but in the case of the Minor Municipalities Bill a special provision like this was made because the income of the minor municipality was already low and the council should not be allowed to reduce it further by not levying suitable taxes.

THE DEWAN added that if a minimum was put, there would be no elasticity and the council could not go below it. He enquired whether a minimum could be fixed based on the existing rates.

Many members did not agree to fix the minimum rate.

THE SECOND MEMBER OF COUNCIL explained that the power reserved to Government in this connection was a special one not to be exercised in the every day municipal administration.

As a general rule, in most municipalities no adequate taxes were levied with the result that the municipalities did not find sufficient finances to carry on their every day administration. In order to compel them to levy adequate taxes, Government had reserved a special power.

Mr. H. S. GUNDAPPA said that the Government with its headquarters at a distance wouldnot have known the actual condition of a minor municipality and the taxes might be enhanced without reference to these conditions. That was the reason why he wanted that power to be vested entirely with the municipal council.

THE SECOND MEMBER OF COUNCIL drew the attention of the member to the wording of the Section itself which explained under what circumstances Government could exercise such power.

KHAN BAHADUR MAHOMED ABBASKHAN pointed out that such a kind of reserve power was taken in the other Regulations also and that there was no objection to leave the proposed section as it was.

Mr. D. S. MALLAPPA observed that if a particular municipality thought that their income was not sufficient, they would certainly raise their tax and do all that was necessary.

THE DEWAN observed that if the obligatory duties were not carried out for want of money and if the municipality did not attempt to increase their income also, the work of the municipality would result in a deadlock. He asked what the remedy was in such circumstances.

Mr. D. S. MALLAPPA pointed out that there was provision for suspending or closing the municipality.

The DEWAN observed that it would be a very drastic and extreme step.

The SECOND MEMBER OF COUNCIL said that the provision was meant to be a sort of reminder to the

municipality

municipality that in case they did not find adequate income to meet their ordinary obligatory duties, they would come under the reserve power of Government. If the members had any doubts in/ regard to the exercise of this power by Government, he said that Government had no objection to add the following proviso to the Section, viz.,

> "provided that in no circumstances shall the Government require the rate of taxes to be increased beyond the maximum prescribed."

Mr. D. S. MALLAPPA did not agree to this amendment.

The SECOND MEMBER OF COUNCIL thereupon said that it would not be possible to give entire discretion in the matter of taxation to minor municipalities.

Mr. P. SEETHARAMAIAH also thought that Government should possess the reserve power.

Thereupon the provision was put to vote but was lost.

(9) RULES.

Clause 110. (Here enter printed matter).

The above provision was agreed to without discussion.

At this stage, the Assembly rose for lunch and met again at 3.30 p.m.

***

12. BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF MINOR MUNICIPALITIES IN MYSORE.

(Motion that leave be granted to introduce a Bill to make better provision for the administration of Minor Municipalities in Mysore.

Mr. S.P. RAJAGOPALACHARI (Second Member of Council).-

Here enter the written speech.

Sir, I now beg leave to move the Minor Municipalities Bill. The existing Municipal Regulation is as you know very elaborate and unsuited to the Minor Municipal Councils. In fact there is a provision ~~[illegible]~~ under the existing Regulation to exempt the minor municipal councils from the operation of some of its sections. It is unnecessary to have all the elaborate provisions in connection with the small municipalities with a population between 3,000 to 5,000. A fresh Bill has therefore been provided including only really essential provisions, the details being left for rules framed by Government.

There are one or two important points in connection with this Bill which I will touch upon. In the first place, it is proposed to give adult suffrage to all persons above 21 years of age and residing in the Municipality not less than six months prior to the date of election. This is a unique experiment so far as municipal councils are concerned, and it evidently seems so. One member had mentioned that it should be applied to the City Municipal Councils also. We have already a similar provision in connection with the Village Panchayets and it has been working satisfactorily. Government are aware of the difficulties of working a system of adult suffrage but they have taken this ~~step~~ forward step with a view to make local self-Government in the area really an object of interest to all inhabitants. Being a new experiment, it is proposed to confine it to the minor municipal councils at present and to watch how the scheme works there. The only other point I need mention is that the power to frame bye-laws is vested in Government.

3rd day.

MR. H.V. RAMASVAMI (Secretary to Government, General Department).- Sir, I beg to second the motion.

MR. P. SUBBARAMA CHETTY: Sir, adult suffrage as explained by the Member is desirable and is a forward step in the direction of local self Government. But I fail to be convinced by the reasons given for introducing this ~~for~~ first of all in the minor municipalities. In the City and Town Municipalities the rate-payers will be in a better position to appreciate the advantages of the privilege than in the minor municipalities where the people are mostly illiterate. If at all an experiment has to be tried, it ~~should~~ ought to be tried first in the place where there is every likelihood of its success. In case the experiment fails in the minor municipalities, I am afraid that an argument might be advanced later on to the effect that the Government tried it in the Minor Municipalities and it failed and so they do not want to try it in the town municipalities. I therefore beg to request that this experiment might also be tried in the Town and City Municipal areas.

3rd day.

MR. G. GIRIMAJI RAO: Sir, as regards the adult suffrage which is given to the minor municipalities, I want to know whether there are any literate men to appreciate the value of the privilege given to them ? We hardly find 5 per cent of ~~the~~ literate men in these minor municipalities. How can they exercise this franchise is a thing which I cannot understand. I do not know on whose recommendation Government have taken this step. If at all, this may be first tried in the Town or City Municipal Councils.

Sir, nothing has been said about the composition of these minor municipal councils. It is not known whether the present Regulation will hold good or as in the case of the Town Municipal Council two thirds of the strength would be the elected element and whether seats are reserved on communal basis or on the basis now introduced in Madras. It is also not known whether they would have the privilege of electing their own President or Vice President.

I do not know why it did not strike the Government to reserve half the strength of the municipal councils to women, because half or even more than half of the population in the municipal areas consists of women.

As I do not know what provisions are contained in the proposed Bill, I will take the opportunity of dealing with them when the Bill is placed in our hands. At any rate, I do not want that adult suffrage should be given to the minor municipalities. I am against it.

If at all, it may first be tried in the Town and City Municipal areas.

MR. K. CHANGALARAYA REDDY: MR. PRESIDENT, Sir, In welcoming the introduction of this measure, I do so mainly because of the provision that it contains for the introduction of ~~the~~ what the honourable Member was pleased to call the unique experiment in the realm of local self Government, and that is granting adult ~~suff~~ franchise in this particular sphere of local self Government. I am afraid I have to completely disagree with the view put forward by the previous speaker -- Mr. Girimaji Rao -- as regards this question. Now it has been pointed out by some of the previous speakers when speaking on the City Municipalities Bill that if at all there was any place where this experiment might have been tried, the Cities were the proper places. To a certain extent one might agree ~~with~~ with that view but what consoles me is the fact that the Government is doing at least a right thing in a wrong way, according to the view point expressed by the previous speakers. When the Government has the inten-tion of doing a right thing, though it may be contended that they are doing it in the wrong way and in the wrong place, I am not very much disheartened because when the intention to do the right thing is there, time will come when they will do the right thing in the right time and in the right place. With this fundamental obser vation of mine, I greatly welcome the ~~City~~ Minor Municipalities Bill. When you are trying the experiment of adult franchise in this realm of local-government, I ~~would have~~ thought tha

a copy of which was circulated to the members of the Representative Assembly

you would have given the power of electing its own President for the Municipality concerned, but according to the provisions of the Bill the same policy that prevails with regard to the election or nomination of the Presidents in the City and Town Municipalities applies here also. I would invite the Government to make this Bill as liberal as ~~possible~~ they have certainly intended it to be by throwing open the places of Presidents and Vice Presidents ~~open~~ for direct election by the Municipalities concerned. It will be only then that this ~~adult~~ unadulterated experiment of adult franchise in the realm of local self government will be tried with all possible advantages of success and it is with this view that I recommend to Government that this particular provision may be more liberalised than it is at present.

With these remarks I have great pleasure in supporting the motion before the House.

3rd day.

MR. B.K. GARUDACHAR: Sir, I am glad to hear that adult franchise is to be ~~gix~~ tried in minor municipalities. Almost all the previous speakers have said that this privilege might be tried in the City and Town Municipal areas. If that is not possible, I would suggest that at least a clause might be inserted in those Regulations that adult franchise be introduced any time that the Government might consider it fit. Meanwhile, it may be tried in the minor municipalities and the experience gained there might be taken advantage of in exercising this franchise in the other higher bodies.

MR. S.P. RAJAGOPALACHARI (Second Member of Council).- Sir, I have not very much to say. As regards the adult franchise question, I think we have begun it not merely in the right way, but in the right place. ~~As pointed out by the previous speaker~~ It is an experiment which has not been tried so far as we know anywhere else in India and one would like to have some knowledge of the difficulties of handling it before carrying it ~~on~~ any further. There are a lot of difficult questions to be faced ~~even~~ even in the introduction of this privilege/in the minor municipalities, ~~such~~ such as for example whether all the people should go as they did in the towns of ancient Greece to the market place and select their municipal councillors by a show of hands and so on. In City Municipalities, the number of voters would be very much if we gave adult franchise and we have to consider whether we are in a position to take ~~suitable~~ suitable steps to make proper provision for proper election. All these points have to be considered.

One hon'ble member~~s~~ suggested that we ~~had~~ have a sinister ~~motive~~ motive in this, viz., that if it fails we will then say that because it has failed in the minor municipalities, we do not want to introduce it in bigger institutions. The gentleman advanced the same arguments in the Representative Assembly also and I think I told him then

that if we had that object, we should not have brought up that question. Nobody has been crying for it. But Government themselves wanted it to be done and surely you can credit Government with a little more generosity than to bring it and then to have it killed. MXXXXXE.

Mr. B.K. Garudachar made a very good suggestion that if possible, power may be taken in the Town and City Municipalities to have this provision. I have not, as a matter of fact, gone into that matter. We will consider the suggestion whether it is a possible one. As regards the other provisions, viz., nominations, it is true that we have not increased the strength of the minor municipal councils. So far as the elected element is concerned, in these small places, the difficulties of getting the right sort of men are very great and nomination has been reserved for purposes of equalising any inequalities that may arise during the course of the elections. I do not think I need touch upon any other points.

As regards the election of Presidents, as I said yesterday, the legislative provision is common to all the Municipalities. The election may be ordered by Government as executive and at any time they like. With regard to the minor municipalities, Government will not perhaps be so very rigid as in the case of other municipalities, where the interests involved are very much larger.

Government will sympathetically consider the suggestion that in the case of minor municipal councils, elections should as far as possible be in accordance with the views of the people.

Thereupon the motion was to put to vote and passed.

Statement of objects and reasons.

The existing municipal regulation which was enacted in 1906 applies to all ~~the~~ city, town and minor municipalities. The desirability of making improvements in the ~~regulation~~ law relating to municipalities having been suggested at a meeting of the Legislative Council in December 1926, a committee was appointed in February 1928 to suggest improvements to the existing regulation.

The committee proposed that a separate regulation may be enacted for minor municipalities and that the existing municipal regulation with suitable amendments may -- apply to city and town municipalities. When the matter was considered in the Representative Assembly in June 1931, it was finally decided to have three separate regulations to deal with city, town and minor municipalities respectively. ~~The present~~ The present bill relates to City municipalities. The salient features of the bill are the following:-

(1.) The provisions of the existing regulation have been found to be inadequate to obviate dead locks in cases when elected presidents and vice-presidents cease to -- command the confidence of a majority of the council. Provision has been made for the president or the vice-president, other than an official president whether appointed ex officio or by name, automatically vacating his office as such ~~on:-~~

(a) on a resolution of no-confidence being passed by a two-thirds majority of the --- council, or

(b) on resolutions of no-confidence being passed by a simple majority twice.

Power has been taken to direct in the case of elected presidents elections every year in the council of the M.C. City Council.

(2.) Municipal Councillors are now --

now liable for any misapplication of funds to which they have been a party or which has happened through or been facilitated by -- gross neglect of duty. It is considered that their rewponsibility should extend also to cases of loss or waste of money or other property. Councillors who have generally no executive functions to perform are made liable for loss, waste or misapplication caused directly by their misconduct while the president, vice-president and -- other officers on whom executive functions are imposed or to whom such functions are delegated are made liable for loss, waste or misapplication caused by their negligence also.

(3.) Audit of accounts by a Government auditor is made compulsory.

(4.) The objections taken in audit by the Government auditor are not disposed of promptly and payments made in contravention of rules or in excess of the powers conferred, remain un-recovered for long periods. Deputy Commissioners are therefore empowered to surcharge persons responsible for irregular payments and for deficiency or loss of municipal money or property.

(5.) City Municipal Councils are now required to obtain sanction of Government to their budgets, but power is taken to Government to suitably modify the budget, if necessary, to ensure that proper provision is made for fulfilling the several

but they have been empowered to sanction additional grants without trenching upon the prescribed minimum balance, so that the control of Government in regard to budget sanction is only nominal. It is now proposed to dispense with the obligation to obtain sanction of Govt to the budgets of city municipal councils,

of municipal councils.

several obligations. With regard to variations of budget provisions also, full power is given to municipal councils; but they ~~are required to obtain~~ can not without the sanction of Government, ~~to~~ reduce the estimated closing balance below the prescribed minimum ~~and~~ or ~~to~~ reduce the provisions made for the following :

(a) payment of instalments of principal and interest in respect of loan~~s~~ contracted by the municipal council,

(b) payment of sums due to Government,—

(i) for execution of public works carried on by Government on behalf of municipal councils,

(ii) on account of the cost of construction of works of a permanent nature undertaken by Government on its own initiative and of the cost of their management and maintenance; and

(c) payment for maintenance of water supply, dispensaries, schools and other institutions or services managed by Government.

~~(7) The restriction imposed at present on the Deputy Commissioner not to exercise his powers of control over municipal councils specially exempted, without specific previous orders of Government being no longer necessary, the provision in section 180A of the existing regulation has been omitted in the bill.~~

I don't approve of this change also. I think it must be accepted. Previously rule was also right.

(7.) Provision has been made for the automatic removal of the chief officer ~~and the municipal commissioner~~ under conditions similar to those in which presidents and vice-presidents have to vacate their office

office when they cease to command the confidence of the majority of councillors.

P.T.O

~~Statement of objects and Reasons~~

The other main changes made in the bill are the following:--

(1) Constitution.

The minimum population for constitution of city municipalities is fixed at twenty-five thousand instead of eight thousand as at present.

In the existing regulation it has been provided that persons who are assessed to municipal taxes, other than octroi and tolls of an amount not less than such minimum as may from time to time be fixed by Government and graduates of any University and advocates of the High Court who have been resident in the municipality for a period of six months shall be qualified to be candidates and voters and the Government is also given power to prescribe the qualifications of candidates and voters in other cases. It is considered expedient to leave the whole question of qualifications of voters and candidates to rules to be prescribed under the regulation, ~~to leave to Government the power to prescribe the qualifications of voters and candidates in all cases instead of providing for the same partially in the regulation and partially in the rules.~~

The publication of the municipal election roll every year is unnecessary. It is proposed instead that the election roll may be prepared and published once in three years, opportunity being afforded to persons newly qualified to have their names enrolled in the meantime. Provision has been made for the termination of the

disqualifications to become council lors ~~have~~ after the lapse of three years. Power has been taken to make rules for requiring -- candidates at elections to make deposits. In order to minimise ~~and~~ vexatious complaints in regard to the validity of elections, ~~are minimised by requiring that any candidate who stood for~~ election or any ten persons qualified to vote at the election should apply to the judge and deposits should accompany the ~~applications to the judge~~ and provision has been made for appeals to the High Court from the orders of the judge.

it is laid down that applications to set aside an election should be accompanied by suitable deposits of money.

(2) Presidents and vice-presidents

Municipal counils are given the option to decide whether they should have a vice-president or not. Presidents and vice-presidents cannot at present be removed from their office even though they are -- arrested for debts.

In order that the administration of municipal counils may not be brought into contempt, power is taken to Government to remove elected and nominated presidents and vice-presidents from office, if they are under arrest or imprisonment in execution of a decree of any Court for payment

of

execution of such a decree has been made and is subsisting against their property.

Chief Officers and municipal commissioners exercise certain executive powers of the municipal council even without any delegation by municipal councils. In ~~town~~ municipalities which have neither a chief officer nor a municipal commissioner, ~~have no chief officers~~ the president cannot exercise these powers in the absence of delegation by the municipal council and it is possible for the municipal councils in some cases to paralyse the municipal administration by vesting the executive powers in themselves or delegating them to committees which may not function promptly and properly. In order to generally facilitate executive administration in municipalities where more are neither chief officers nor municipal commissioners, provision has been made for the presidents of the municipal commissioners exercising the powers ~~that might be exercised by Chief Officers~~.

1.c The duties performed by the vice-presidents are not uniform in all municipalities. To define more definitely the powers of the vice-president, power is

taken to Government to pass special or general orders in this behalf.

(3) Meetings of Municipal Councils.

To prevent undue delay in summoning special meetings duly requisitioned, power is given to the vice-president or one-third of the whole number of Councillors to call for a special meeting, if the President does not call the meeting for a date not more than fifteen days after the presentation of the requisition.

(4) Liabilities of Municipal ~~Councillors, Presidents, Vice-Presidents and Municipal servants.~~

Municipal Councillors are now liable for misapplication of funds to which they have been a party or which has happened through or been facilitated by gross neglect of duty. It is considered that their responsibility should be extended to cases of loss, or waste of money or other property also. Councillors who have generally no executive functions to perform are therefore made liable for loss, waste or misapplication caused

President, vice-president and other officers on whom executive functions are imposed or to whom such functions are delegated are made liable for loss, waste or misapplication caused by their negligenc also.

To prevent sudden strikes and dislocation of municipal work in connection with conservancy and other essential services, it is considered expedient to require the employees to give a month's notice before resignation and to make such omission penal.

(5) Functions of Municipal Council.

Promotion of economic development and preparation of lists of children of compulsory age for purposes of elementary education have been removed from the list of obligatory duties ~~which~~ where provision for anti-rabic treatment has been included in the list. Making arrangements for the destruction, detention and preservation of dogs has been transferred from the list of

discretionary duties of that of obligatory duties. In order to provide for adjustment of functions as circumstances may require, power is taken to Government to declare in regard to any Municipal Council that any of its obligatory duties be deemed to be discretionary ones. The purposes for which the Municipal Fund may be spent at the discretion of the municipal councils are also amplified by the addition among others of the following:-

(a) promotion of co-operative societies for the benefit of municipal employees and societies whose objects include housing the poorer and working classes.

(b) Provision of transport facilities for the public,

(c) maintenance of ambulance service,

(d) provision of accommodation for municipal servants and grant of loans for construction of houses by such employees,

(e) provision of music,

(f) promotion of public health and infant welfare.

(g) organisation or maintenance during seasons of scarcity of shops or stalls for the sale of necessaries of life.

(6) T A X A T I O N.

The levy of tolls on animals is proposed to be discontinued and the maximum rates of tax leviable on motor vehicles which are at present inadequate has been raised to Rs.60/- in the case of motor buses and lorries and to Rs.40/- in the case of motor cars weighing 15 cwts and more.

~~In order to obviate frequent reference to Municipal councils when exemptions from municipal taxes is considered expedient~~ Power is taken to Government to grant and define exemptions from municipal taxation ~~tions~~ by issue of orders in exceptional cases. Provision has been made for composition of tolls, as there is no specific provision for this in the existing regulation. To minimise

inconvenience incidental to the levy of octroi, power is given to the municipal councils to compound payment of octroi and in lieu of levying octroi, power is also given to municipal councils to levy terminal taxes.

Specific provision has been made for the appointment by every municipal council of an officer for assessing taxes imposed in the form of a rate on buildings and lands.

Decisions of magistrates on appeals from notices of demand are not now subject to revision. Provision for revision in these cases have been made in the bill.

(7) Regulation of buildings.

In regard to new buildings of which notice is given, the municipal councils are proposed to be empowered to impose (without any special authorisation by the Government as at present) conditions as to materials, dimentions and cubical contents of rooms, doors and windows, and to the number of storeys to be erected or the purpose for

which the building is to be used. The municipal councils are also proposed to be empowered in respect of new buildings on sites not laid ~~down~~ out by the Municipal Council or a competent authority to issue orders (which ~~will~~ shall not be in force for more than six months) directing that the building shall not be proceeded with, until all questions connected with the location of the building and streets are decided.

(c) S A N I T A T I O N.

In the interests of sanitation it is considered necessary to empower municipal councils:-

(a) to prohibit the use of a building or room which is unfit for human habitation after communicating ~~after~~ the improvements to be made ~~are com-~~ by a ~~municated in~~ a notice to be served on the owner or occupier and after affording to the owner or occupier to state his objections;-

(b) to regulate the construction of tanks and ponds, and to deal with collections of water which are likely to be breeding places of mosquitoes.

(9) Control.

Power has been taken to Government to authorise any ~~special~~ specified officer of Government to exercise the power of entry, inspection etc., now vested in the Deputy Commissioner. This will enable officers of Government like the Director of Health, Sanitary Engineers etc., to advise municipal councils as to matters within their expert ~~knowx~~ knowledge.

P.P. As there is no specific provision in the existing regulation for inspection of city municipal offices, power has also been taken to govt. to inspect or authorise any officer to inspect these offices

L.C. I.C

Under the existing regulation when a Deputy Commissioner passes an order suspending any resolutions of a municipal council, the Government may confirm, revise or modify such order. Provision has been made in the bill to afford an opportunity to the Municipal Council to show cause against the order of the Deputy Commissioner before Government passes final orders. The several provisions empowering Government to make rules which are scattered in the existing regulation have been ~~x~~ incorporated in a ~~xixxsixx~~ single clause and power ~~is~~ has been taken to Government to make rules generally for carrying out for the purpose of the regulation.

Provision has also been made for Government cancelling rules ~~or~~ by-laws of municipal councils after giving opportunity to the municipal councils concerned to explain.

Section 180 A of the existing regulation requires the Deputy Commissioner ~~should~~ not to exercise the powers of control under sections 173, 174 and 175 in regard

to City Municipal Councils without the special sanction of Government. Special sanction contemplated in this section has been given in regard to the Bangalore City Municipal Council and it is considered unnecessary to continue the restriction as regards the Mysore City Municipal Council. Hence the section is omitted.

1.c

1.c | 1.c

1.c | 1.c

P. The provision in section 186 B of the existing Regulation as regards the term of the municipal Commissioner is found to be unsuitable in the case of Government officers appointed as municipal commissioners. As these officers can in practice hold office as municipal commissioners for such period as the Government can spare their services, it is proposed to amend the section so as to conform to existing practice

(10) ~~Appeals from~~ Municipal Commissioner's ~~orders~~

The provision made in section 186 L of the existing regulation for appeals to the municipal council from the orders of the municipal commissioner acting as revising authority in respect of assessment of taxes ~~imposed on in the form of a rate on buildings and lands~~ has been omitted as unnecessary and the cases in which appeals are allowed have been amplified by inclusion of the following: -

(a) order to carry drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across, or under any place.

(b) order prohibiting the use of a building or room as a dwelling if it is unfit for such use.

(c) orders in respect of licenses for establishing factories.

21/4/32

Clause 2.

The definitions have been arranged alphabetically.

Clause 4.

No provision has been made for City Municipalities ceasing to be municipalities, as such areas will, if at all, be converted into town municipalities.

Clause 12 (2) (b) (i)

This removes a doubt as to whether a councillor having an interest in the sale to the municipal council ~~purchase~~ of an article of value less than that fixed by the municipal council and voting for the sale of the same is disabled from continuing in office. An addition has been made so as to cover any personal interest, whatever the amount may be.

Clause 12 (2) last para.

It is not expedient to allow a member who has lost his seat for absenting himself from meetings to ~~attend~~ stand as a candidate at a by-election held to fill his seat.

Clause 14.

It is desirable to give the councillor who is proposed to be removed an opportunity of being heard and to hold an enquiry, if necessary.

Clause 19

Provision has been made for the publication of the names of presidents and vice-presidents in the official gazette.

Clause 21

This provides for barring Civil suits in respect of appointment or removal of councillors, presidents or vice-presidents unless they are specially provided for.

Clause 22. (5)

Salaried servants of the Government are made ineligible for election as presidents and vice-presidents and power is taken to Government to appoint presidents and vice-presidents ~~them~~ ~~at~~ in default of election.

Clause 22 (6)

This authorises the Deputy Commissioner or the person performing the duties of the Deputy Commissioner to perform the functions of the president during vacancies in the office of the president and when there is no vice-president to carry on the executive functions.

Clause 22 (7)

As the discretion to have a vice-president is given to the ~~Muni~~

to the municipal council, the municipal council is empowered to grant leave to the vice-president.

Clause 22 (9)

It is not desirable to allow the same person to be both president and vice-president.

Clause 25.

The responsibility as regards custody of records is fixed by this clause.

Clause 26 ~~(1)~~.

In cases in which the Deputy Commissioner is ex-officio president of the Municipal council, the vice-president is authorised to perform the duties of the president when the office of the Deputy Commissioner is vacant. ~~Power is also taken to Government to issue orders so as to define the duties of the vice-presidents definitely.~~

Clause 27 (3)

As Councillors may be absent from home when notice of a meeting is circulated, provision is made for giving them due intimation of the time and place of meeting. The proviso to ~~such clause~~ the sub-clause makes it clear that a motion or proposition which a councillor ~~possess~~ proposes to

proposes to move at a meeting should relate to matters connected with the municipal administration.

Clause 27 (7).

A small quorum for adjourned meetings is prescribed. Provision is made for allowing some time before a meeting is adjourned for want of a quorum. As ~~it is not desirable to go~~ on adjourning meetings ~~and disposing of business at such meetings~~ with respect of a small quorum, provision has been made for lapse of subjects not disposed of at the first adjourned meeting.

Clause 27 (11) and (12).

These sub-clauses prohibit councillors and presiding officers who may have a ~~having~~ pecuniary interest in any subject under consideration from voting or presiding during the discussion of such subjects.

Clause 27 (16).

This obviates the amendment of the regulation whenever the necessity is felt for ~~for~~ giving the right of addressing the municipal council to any ~~other~~ class of officer ~~is felt~~.

Clause 29 (3).

Provision for appeals to the president from the orders of the Municipal Commissioner

commissioner as regards access to records as in section 26 B of the existing regulation is considered unnecessary and has been omitted.

Clause 30. It is considered necessary to appoint the president as ex-officio member of the managing committee.

Clause 31. ~~As regards~~ Provision for formation of committees other than the managing committee has been made in a single clause and hence special provision for economic, executive and consultative committees as in the existing regulation has been omitted.

Clause 33. Provision has been made for filling up vacancies (on committees) of non-councillors by election of non-councillors and not of councillors only as in section 32 of the existing regulation.

Clause 35. (1) This provides for the calling of meetings of committees in the absence of the chairman.

Clause ~~36~~ 35 (3). The quorum is lowered from one-half to one-third of the members of the committee.

~~Clause 40. The provision for joint levy of~~

~~(7) There are no Town Municipal Councils which are specially exempted as contemplated in Section 130 A of the existing Regulation from the control of the Deputy Commissioner. Hence this section is omitted.~~

~~20~~

~~Committee.~~

~~Clause 33. The provision for disposal of business of municipal councils by circulation has been omitted as unnecessary.~~

Clause ~~37~~ 40. The provision for joint levy of octroi as in sections 39 and 81 of the existing regulation is omitted as unnecessary.

Clause ~~38~~ 41 (2). It is expedient to control free grant of immovable ~~land~~ property whatever may be the value. The value of lands and sites has increased considerably of late. The limit of value of land which a municipal council may dispose of without reference to Government has been raised from Rs.500 to Rs.2000.

Clause ~~38~~ 41 (4). At present the sanction of the Municipal Council is necessary for the purchase of or sale of movable property costing more than Rs.500- It is proposed to raise this limit to Rs.2000/-

Clause ~~38~~ 41 (5). There is no provision ~~for~~ insisting on making it obligatory to inviting of tenders for supply of materials or for execution of works. ~~It is~~ Such provision is now made in respect of materials or work of the value of more than Rs.~~500~~ 500. It is also proposed to limit the powers of the City municipal councils in the case of tenders involving large amounts.

octroi as in Sections 39 and 81 of the existing regulation is omitted as unnecessary

Clause 42.

This regularises the present practice under which the Public Works Department and other Departments of Government carry out works on behalf of municipal councils.

Clause 43.

This brings the law for compulsory acquisition of lands for municipal purposes into line with the provisions of the Mysore District Boards Regulation and the Mysore Village Panchayet Regulation.

Clause 45

It is undesirable to disqualify municipal employees who bona fide acquire interest in land held on a municipal lease by inheritance, gift, bequest or even as members of a joint Hindu family. The existing disqualification in such cases is removed and municipal employees are allowed to purchase sites for building purposes or to sell their lands to the municipal council when required for public purposes without incurring any disability.

Clause 42 (2).—It is expedient to control free grant of immovable land whatever may be the value. The powers of Municipal Councils require enhancement within reasonable limits. The value of lands and sites has increased considerably.

Clause 42 (4).—The existing limits of power are unduly low. They require to be raised.

Clause 42 (5).—There is no provision for insisting on inviting of tenders for supply of materials for execution of works. It is also necessary to limit the powers of the Municipal Council in the case of tenders involving large amounts.

Clause 50.

It has been made clear that a municipal council cannot introduce exemptions, suspend

publishing the notice required by clause 65 and without following the procedure laid down in that clause.

Clause 51(1)(j).

Provision is made for numbering and registration of all vehicles liable to municipal taxation.

Clause 51 (i)/(ka).

This empowers municipal councils to fix terminal tax limits as in the case of octroi and to regulate the method of recovery of such tax.

Clause 51 (1) (y).

This empowers municipal councils to take effective measures for regulating the management of open parks and open spaces under their control.

Clause 51.

The provision in clause (b) of the proviso to Section 51 of the existing regulation as regards special trusts is omitted as unnecessary.

Clause 64.

As regards vehicles, it is made clear that the liability to taxation arises only in the case of those kept within municipal limits for use.

Clause 70.

This provides for cases when the name

of the person primarily liable to pay property taxes cannot be ascertained and facilitates recovery of taxes in such cases.

Clause 73.

Provision is made for the levy of taxes on new or reconstructed buildings for the remainder of the year in which they are constructed.

Clause 81.

Remission of tax in case of vacancies is logically admissible only where the property is rated on its letting value. Not less than two-thirds of the tax or instalment may be remitted instead of one-half as at present when the property is vacant.

Clause 82(2)

There is no provision in the existing regulation for recovery of a fee from persons who unauthorisedly use municipal land, etc. The clause enables the municipal councils to prescribe a higher rate of fee in such cases by way of penalty.

Clause 95.

It is desirable that the notice of demand should be served on the pers

person liable only if a bill has been presented.

Clause 100. This removes inaccuracies in section 85 of the existing regulation.

Clause 105. Provision has been made for the lease of land which is not required for a public street, etc.

Clause 106. There is no provision in the existing regulation for the recovery of the expenses incurred by the municipal council in improving a private street from the owners concerned according to considerations which may appear to be just. Power is proposed to be given to the municipal council to apportion the charges incurred in such manner as the ~~municipal council~~ thinks fit.

Clause 115. The period of three months during which the building should not be proceeded with in consequence of ~~the~~ a provisional order ~~is too~~ under the existing regulation is too long and it is reduced to one month.

Clause 115 (4) and (5) The proviso to sub-section (4) of section 96 of the existing regulation is omitted and a new sub-clause has been inserted for prescribing a time limit for the

the commencement of buildings.

Clause 122.

This prevents offensive matter and sewage from being let into storm water drains.

Clause 127.

Under section 107 of the existing ~~Municipal~~ regulation, municipal councils have ~~no~~ power ~~to require owners~~ to demolish or close privies belonging to private persons, but have not power to require the owners to do so. This defect is proposed to be remedied. ~~It is necessary to give the municipal councils this power in order to recover the cost from the owners.~~

Clause 143(1).

Steps over drains being very necessary in order to give access to houses, they are excepted from the operation of the sub-clause.

Clause 159.

This gives ~~larger~~ power to the Municipal council to prohibit cultivation of certain crops in the interets of sanitation.

Clause 166.

The clause accords with sub-clause (1) (b) of clause 51 ~~and~~ so as to require the taking out of licenses for the purpose for which by-laws may be framed by municipal councils.

Clause 167.

There is no provision in the existing regulation for leasing the collection of

clause 82 (4) authorises a lease in respect of only fees levied. This clause regularises a practice which is common and convenient.

Clause 171 (2).

The condition in section 142(2) of the existing regulation that it applies only to food or drink of all kinds or of any specified ~~xxxxxx~~ kind, specially notified by the Government has been removed.

Clause 172.

The power of inspection is extended to instruments for weighing and the chief officer and health officer have been given power to inspect weights and mea..... ıd instruments for weighing.

Clause 173.

It is proposed to empower Municipal councils ~~are empowered~~ to ~~empower municipal councils to~~ ~~automatically~~ exercise the powers specified in sub-clause (2) for prevention of dangerous diseases without any special authorisation ~~instead of these powers being confirmed~~ by the Government ~~specially~~ as in section 144 of the existing regulation.

Clause 180.

Provision has been made for the abatement of nuisances from quarries and cart-stands.

Clause 181.

In view of the need for encouraging

the springing up of small industries which require the use of electricity, steam or other mechanical power, the scope of this clause is proposed to be ~~has been~~ restricted to factories ~~alone~~.

Clause 189.

Power of entry into or upon any building or land for the purposes of the regulation is specifically given to the Chief Officer and provision is made for taking assistants also.

Clauses 190 and 191.

In cases of disagreement as to the amount of costs or expenses to be paid under the Regulation, it is considered unnecessary to appoint a panchayet to determine the amount payable as such amount is already known or can be easily ascertained without the course to arbitration. In cases not otherwise specially provided for, the amount of costs ~~cases~~ or expenses payable may be determined by the municipal council, and panchayets may be formed to determine the amount of compensation or damages alone. Provision ~~has~~ is also proposed to be ~~been~~ made for revision by the District Court of unsatisfactory awards made by ~~a~~

panchayets and ~~power is given to~~ the municipal council ~~to take~~ taking possession of the land after payment of or depositing in court the compensation amount awarded.

Clause 192. Power is given to the municipal councils to prosecute for violation of rules also under the regulation.

Clause 200. For the notice required to be given before a suit is instituted against a municipal council, etc., the period is raised from one to two months. Suits for recovery of immovable property are excluded from the operation of the provision requiring the institution of suits within six months of the date of cause of action.

Clause 207. The Government auditor is given power to get the required information for audit purposes.

Clause 214. There is no express provision for the regular submission of the adminsitration report The clause ~~applied~~ supplies the omission.

~~Clause 215.~~ ~~As the staff of expert officers of Government has grown since the municipal regulation was passed Government should have~~

Clause 219. The clause provides for control of ~~agency for~~ the execution of public works and recovery of cost when works are undertaken on behalf of municipal councils.

Clause 225. This removes a doubt as to whether the decisions under the section may be revised by civil courts.

Clause 226 (2) (c). In order to secure uniformity in respect of items on which taxes and tolls are levied and other matters incidental thereto, it is considered desirable to take power to Government to prescribe rules, ~~and to limit the powers of municipal councils~~.

Clause 226(2)(f) Provision is made for payment of compassionate gratuity to surviving relations of municipal employees.

Clause 229. This confers on Government officers and others taking lawful action on -- behalf of, or in default of, municipal councils, power to contract and extends to them the same protection which is conferred on the municipal authorities.

Clause 232. The duties of the Chief Officer are defined specifically and clearly.

Clause 233. 1.c The sections under which the Chief

1.c Officer may act independently have been ~~thoroughly~~ revised and his powers have been enhanced.

Clause 241. The provisions of the regulation under which the commissioner may exercise powers

1.c/1.c independently of the Municipal Council have been revised with reference to the changes made in clause 232, and clauses 191 and 193 have been added to the list of sections

1.c under which powers of the Municipal council

1.c/1.c may be exercised by the Municipal Commissioner.

15/4/32
20/4/32

Appendix F G—1]

SUBJECT .....

Section nil

File No. 105-3F

Serial No. 4

Immediate

Diary No. of letter replied to 2136

No. L4858 / Pages 1-42

To The Superintendent Govt Press

Bangalore

General and Revenue Secretariat

(nil)

the 193 .

Sir

I am directed to forward herewith a revised copy of the Improvement Municipalities Bill with the Statement of objects and reasons along with the original and to request that the matter may be caused to be set in type and six clean proofs sent to this office along with the original copy. ~~Copies of Finally Statement of~~ ~~and to request you to treat the~~ matter as very urgent

Date of issue 7/1/32

Signed by for A S Rao

List of enclosures .....

I have etc

Copied by .....

for General Secy to Govt

Examined by .....

6/1/32

(1) It is perhaps too late to change the provision contained in the bills as regards the removal of the Chief Officer.

(2) With regard to the Commissioner, the existing Sec. 186 (3) of the Regulation may be retained, as suggested by the Offg. Second Member.

(3) It may be made clear that the provision for the automatic vacation of Office by the President on a vote or votes of no confidence does not apply to official Presidents, whether appointed ex-officio or by name.

(4) It seems, on the whole better to retain Section 180 A of the existing Regulation. Its omission at this stage might possibly give rise to misunderstanding.

(5) As regards the term of elected Presidents, it might perhaps be possible to provide that Government shall have power, in special cases, to direct yearly elections with the consent of the Municipal Councils concerned.

(6) According to proviso (c) Section 46 of the existing Regulation, the Municipal Council might dispense with the services of an officer transferred from the service of Government to the service of the Municipal Council only with the assent of the Government. This proviso has been omitted in the bill presumably with the idea that a rule might be enacted to the same effect. It seems, however, the better course to retain the proviso in the Regulation itself.

Ind. M M I
4/5/32

SUBJECT .....

.....

.....

Section Legs

File No. 62-31

Serial No.

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 30/5/32

Signed by Mr R. R.

List of enclosures .....

Copied by .....

Examined by .....

No Pol. 1240 E/2

To The Secy to the Hon'ble the Resident in Mysore

Sir,

I am directed to forward herewith two copies of a Bill to make better provision for the administration of Minor Municipalities in Mysore to-gether with the Statement of Objects and Reasons explaining the scope and object of the measure and to state that it is proposed to introduce the said Bill at the meeting of the Legislative Council to be held on 20th June 1932

I have &c

for Chief Secy to Gov.

WD 71—GPBM—40,000—20-7-31.

Dne 18/5

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 3899

Legis 62-31-2

FROM

Captain G. Kirkbride, I.A.,
SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

11/6/32.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore.

Dated Bangalore, 11th June, 1932.

Subject.

The Mysore Minor Municipalities Bill.

SIR,

I am directed to refer to your letter No.Pol.1240/Legis.62-31-1, dated the 27/30th May, 1932, forwarding two copies of the above Bill and to say that the Hon'ble the Resident does not see any prima facie objection to the introduction of the Bill in the Mysore Legislative Council.

2. As the Bill will require a reference to the Government of India before it is passed into law, a further communication will be awaited.

I have the honour to be,
Sir,
Your most obedient servant,

Captain,
SECRETARY TO THE RESIDENT.

MVS.

No. 9

Office of the Secretary, Legislative Council,
General & Revenue Secretariat,
Bangalore, dated the 21st Sept. ....1932.

No. P. 2250-61

Official memorandum.

To

The members of the S.C. Vide list appended

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the ~~bill to~~ Mysore Town Municipalities Bill .....

.....

will be held in the Chamber of the Second Member of Council at the Public Offices Bangalore, at 1 P.M. ..... on Monday the 31st October 1932 and on the ~~18th January 193~~ following days if necessary at the same hour till the Bill is fully considered

By Order,

Under Secretary to the Select Committee

PERSONNEL OF THE COMMITTEE FOR THE

MINOR MUNICIPALITIES BILL.

1 Rajamantrapravina K.MATTHAN (Chairman)

2 Mr. S.P.Rajagopalachari.
3 Mr. N.Madhava Rao
4 Mr. R.Renga Rao.
5 Mr. J.V.Karve.
6 Mr. K.V.Anantaraman.
7 Mr. A.R.Nageswara Aiyar.
8 Mr. P.Subbarama Chetty.
9 Mr. D.H.Chandrasekharaiya.
10 Mr. H.C.Dasappa.
11 Mr. K.Changalaraya Reddy.
12 Mr. B.Abdur Rahmon
13 Rajasabhabhushana K.R.Srinivasa Iyengar.

Copy to (1) G.B for kindly making the necessary seating & lunch arrangements
(2) P.A. to Second Member
(3) L.S. & Dm
(4) L.A & L.C. Office

THE MYSORE MINOR MUNICIPALITIES BILL.

We the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill.

NOTE:- Figures in square brackets show the numbering of clauses in the original Bill.

Cluase 4(4);- We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Cluase 6(2):- We have substituted the words "in its corporate name", for the words "through the President."

Cluase 6(3);- We decided that the elected element in the composition of minor municipal counils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substi-

Cluase 9(1) and (2):- We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Cluase 9(3):- This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Cluase 10 (4).- We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-cluase has been omitted.

Cluase 10(7):- We consider that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidence is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (v), the words "two months" are substituted.

Cluase 10(8)- We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted, and further necessary verbal changes are made.

Clause 10(9):- We have added this sub-clause after the existing sub-clause (8) to provide for vacation of office by a vice-president on becoming president.

Cluase 13:- We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases

should take effect automatically on the expiry of ten days from the date of notice. The clause has been suitably amended and the omission to provide for the vacation of office of vice-president by a vice-president has been supplied.

Clause 17:- We conder it expedient that civil courts should not entertain any suits in respect of appointment, election or removal of councillors, presidents and vice-presidents unless they are ~~xxxxxxxx~~ specially empowered in the Regulation or the rules thereunder and we have inserted a new clause for ~~xxx~~ this purpose after the existing clause 16.

Clause 18[17](8):- We consider that the limit of time prescribed for the submission of minutes, proceedings and resolutions is too short and have raised it to five days.

Clause 19[18]:- We have substituted this clause as being more comprehensive than the original clause.

Clause 21[20]:- We consider that any officer of the Government authorised by the Deputy Commissioner may also have power to attend meetings of the municipal councils and address them and have inserted the words "or by the Deputy Commissioner" after the words "by the Government."

Clause 23[22](2):- We consider that expenditure on public receptions etc., should be incurred only after approval by one-half of the whole number of councillors at a general meeting and have suitably amended the clause.

Clause 25:- This clause has been newly inserted by us after the existing clause 23 to provide for contracts by officers of Government for execution of works on behalf of municipal councils.

Clause 31[29]:- Consequent on the amendment of the existing clause 18, this clause has been suitably re-cast and the liability of the officers of the municipality due to their misconduct has been made similar to that of the members.

Clause 34[32](3):- We have replaced the words "delegated by the Government to" by the words "conferred by the Government on" as being more appropriate.

Cluase 38:- This clause has been newly inserted after the existing clause 35 in order to provide for the agency for execution of public works.

Cluase 39 [36]:- We consider that before Government ~~construe~~ constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words "after consulting the municipal council" after the words "at any time" in sub-clause (1) and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Cluase 40 [37](1):- The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Cluase 41:-We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Cluase 42 [38]:- We have recast the clause and adopted the wording in the Town and Municipalities Bill for the sake of uniformity.

Cluase 46 [42](1):- We consider that para (a) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (a) are omitted and the words "and

buildings" are inserted after the words "all lands" in para (e).

Cluase 50 [46]:- We consider that the directions in this clause in respect of the application of the municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Cluase 53 [(49)(1)]:- We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably. x

Cluase 54:-A new clause has been inserted for providing for xx the passing of the municipal accounts at the meetings of the municipal council.

Cluase 55 [(49)(2)]:- This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Cluase 60 [54]:-We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund," are substituted.

Cluase [61]:- We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Cluase 72 [(67)- Proviso (c):- We has inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

~~Cluase 30:- We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest. A new clause has therefore been inserted after the existing clause~~

Clauses 80 and 94:- We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest, and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89):- We consider that the punishment under this clause should not exceed a fine of Rs. 200/-.

Clause 106 [99](2)(b):- This para has been newly inserted by us after the existing para (n) as we consider that the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108[101]:- We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

3/11/32

3/11/32

No. P.2593-603 Office of the Secretary,
Select Committee.
Public Offices.
Bangalore, dated 5th Novr. 1932.

From

C. Subramaniya Iyer, Esq., B.A., B.L.,

Secretary, Select Committee, Bangalore.

To A. R. Nageshwara Iyer Esq. B.A., B.L.,

Member, Mysore Legislative Council.

Sir,

In forwarding herewith draft Report of the Select Committees on the Minor Municipalities Bill, I am directed to request that the same may kindly be returned with your approval within a week.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary,
Select Committee.

Approved.

M. Nagesh Iyer
Government Advocate
12.11.32

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

We the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill.

NOTE.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4 (4):—We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Clause 6 (2):—We have substituted the words "in its corporate name," for the words "through the President."

Clause 6 (3):—We decided that the elected element in the composition of minor municipal councils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substituted.

Clause 9 (1) and (2):—We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Clause 9 (3):—This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Clause 10 (4):—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 10 (7):—We considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidance is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (b) the words "two months" are substituted.

Cluase 10 (8);—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted and further necessary verbal changes are made.

Cluase 10 (9);—We have added this sub-clause after the existing sub-clause (8) to provide for vacation of office by a vice-president on becoming president.

Cluase 13;—We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. The clause has been suitably amended and the omission to provide for the vacation of office of vice-president by a vice-president has been supplied.

Clause 17.—We consider it expedient that civil courts should not entertain any suits in respect of appointment, election or removal of councillors, presidents and vice-presidents unless they are specially empowered in the Regulation or the rules thereunder and we have inserted a new clause for this purpose after the existing clause 16.

Clause 18 [*17*] (*8*):—We consider that the limit of time prescribed for the submission of minutes, proceedings and resolutions is too short and have raised it to five days.

Clause 19 [*18*]:—We have substituted this clause as being more comprehensive than the original clause.

Clause 21 [*20*]:—We consider that any officer of the Government authorised by the Deputy Commissioner may also have power to attend meetings of the municipal councils and address them and have inserted the words "or by the Deputy Commissioner" after the words "by the Government."

Clause 23 [*22*] (*2*):—We consider that expenditure on public receptions, etc., should be incurred only after approval by one-half of the whole number of councillors at a general meeting and have suitably amended the clause.

Clause 25:—This clause has been newly inserted by us after the existing clause 23 to provide for contracts by officers of Government for execution of works on behalf of municipal councils.

Clause 31 [*29*]:—Consequent on the amendment of the existing clause 18, this clause has been suitably re-cast and the liability of the officers of the municipality due to their misconduct has been made similar to that of the members.

Clause 34 [*32*](3):—We have replaced the words "delegated by the Government to" by the words "conferred by the Government on" as being more appropriate.

Clause 38:—This clause has been newly inserted after the existing clause 35 in order to provide for the agency for execution of public works.

Clause 39 [*36*]:—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the work should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly, we have inserted the words "after consulting the municipal council" after the words "at any time" in sub-clause (1)

and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Clause 40 [*37*] (*1*):—The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Clause 41:—We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Clause 42 [*38*]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [*42*] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

Clause 50 [*46*].—We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Clause 53 [*49* (*1*)].—We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably.

Clause 54.—A new clause has been inserted for providing for the passing of the municipal accounts at the meetings of the Municipal Council.

Clause 55 [(*49*) (*2*).]—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [*54*].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Clauses 72 [*67*] *Proviso* (*c*).—We have inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

Clause 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest,

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [*99*] (*2*) (*f*).—This para has been newly inserted by us after the existing para (r) as we consider the the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [*101*].—We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the select committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE MINOR MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 19 ... .. Short title.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of .....

* * *

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) * * *

(2) * * *

(3) * * *

(4) *When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.* *Naming municipalities comprising two or more places.*

5. * * *

6. (1) * * *

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued [through the president] *in its corporate name.* Incorporation of municipal councils.

3. (*a*) * * * Constitution of municipal councils.

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than [one-half] *two-thirds* of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) * * *

(*d*) * * *

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the " [one-half] *two-thirds* of the number " mentioned in clause (*b*) shall be exclusive of such president.

(4) * * *

* * *

[Disqualification of councillors.]

[9. (1) No person may become a councillor if—

(*a*) he is a subordinate officer or servant of a municipal council ; or

(*b*) he has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19— , or

(*c*) he has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned ; or

(*d*) the is adjudicated an insolvent ; or

(*e*) he has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure, 1904.

Provided that

(*a*) he disqualification under clause (*e*) will cease to operate after the expiry of the period during which a person is ordered to furnish security; and

(*b*) the disqualifications under clauses (*b*) and (*c*) will cease to operate after the expiry of three years from the date of such removal or sentence, or earlier by an order of the Government.]

[(*2*) If any person, elected or appointed —

(*a*) is or becomes subject to any of the disqualifications mentioned is sub-section (1), or

(*b*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the council, except with the leave of the council, or

(*c*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf is served upon him,

his seat shall be deemed to be vacant.]

9. (1) *No person may be a councillor—*

General disqualifications for becoming a councillor.

(a) (i) *who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or*

(ii) *against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or*

(iii) *who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19...., or*

(b) *who is an undischarged insolvent,*

and no person

(c) *who is a subordinate officer or servant of a municipal council, or*

(d) *who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,*

may be a member of such municipal council.

Provided that—

(a) *the disqualification in sub-clause (ii) of clause (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security;*

(b) *the disqualification in sub-clauses, (i) and (iii) of clause (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;*

(c) *the disqualification under clause (d) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.*

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) *If any councillor during the term for which he has been elected or appointed —*

Disabilities from continuing a councillor.

(a) *becomes subject to any disqualification specified in clauses (a), (b) and (c) of sub-section (1), or*

(b) *acquires any such share or interest as is specified in clause (d) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or*

(c) *not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or*

(d) *fails to pay any arrears of any kind due by him to the muuicipal council within three months after a special notice in this behalf has been served upon him, he shall be disabled from continuing to be a councillor and his office shall become vacant.*

(3) *A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.*

(4) [(3)] * * *
* * * *

10. (1) * * *
(2) * * *
(3) * * *

Vice president to be elected [except in special cases.]

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

(5) * * *
(6) * * *

Vacation of office by president and vice-president for want of confidence.

(7) Every president [or] other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council [except an official President appointed *ex-officio* or by name] shall forthwith be deemed to have vacated his office

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than [one month] *two months* and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

[(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

Vacation of office by vicepresident on becoming president.

(9) *If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his affice as vice-president.*

(10) [(9)] * * *
* * *
* * *

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his [office] *membership and a vice-president may resign his office as vice-president* by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. [The president may resign his office as coucillor or as president by giving a notice in writing to that effect to the Deputy Commissioner. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.]

The president may resign his membership or his office as president by giving ntice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

* * *

16. * * *

Bar of suits relating to elections, etc.

17. *No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.*

18. [17] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *
(7) * * *

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within [two] *five days* from the date of the meeting.

Committees.

19 [18]. Subject to such rules as may be prescribed in this behalf, the municipal council may [appoint committees to exercise and perform any of its powers and duties] *constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.*

20. [19.] * * *

Certain officers entitled to attend and speak at meetings of municipal council.

21. [20.] Any officer of the Government authorised by the Government *or by the Deputy Commissioner* in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

* * *

CHAPTER IV.

CONTROL.

34. [32.] (1) * * *

(2) * * *

Chief controlling authority.

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be [delegated by the Government to] *conferred by the Government on* any officer subordinate to it.

* * *

37. [35] (1) * * *

(2) * * *

(3) * * *

Power to provide for the performance of duties or works in case of default or in case of emergency.

38. (1) *Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.*

Agency for execution of public works.

(2) *All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.*

(3) *When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.*

(4) *If the amount due to the Government under sub-section* (3) *is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

39. [36]. (1) Notwithstanding anything contained in this Regulation, the Government may at any time *after consulting the municipal council.*

Special provisions in regard to works executed by the Government.

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health *or* safety [or convenience] of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal coudcil, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with intererest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) * * *

40. [37] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint [from not less than one-half of the rate-payers in a municipality] against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder. Government inquiry into municipal matters.

[*Explanation.*—For the purposes of this section, the word "rate-payers" means persons assessed to taxes specified in clause, (*b*) to (*g*) of sub-section (1) of section 55.]

(2) * * *
(3) * * *
(4) * * *

41. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.* *Power of Government to direct person in custody of municipal fund to pay Government dues.*

[38. If in the opinion of the Government, a municipal council is not competent to perform, or presistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official gazette, declare the municipal council to be dissolved or superseded as it deems fit. [Dissolution or supersession of municipal council and appointment of Commissioner or Commissioners to exercise the powers of the municipal council.]

(2) On the dissolution or supersession of a municipal council, all councillors of the municipal council shall from the date specified in the notification, vacate their seats and in place of the municipal council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determines and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the municipal council and the president under this Regulation.

(3) All properties, assets, rights and liabilities of the municipal council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

(4) If, after enquiry made, the Government so directs, the period of dissolution or supersession with all the consequences as aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.]

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

42. (1) *If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.*

Consequences of exercise of such power.

(2) *When the municipal council is so dissolved or superseded, the following consequences shall ensue:—*

(*a*) *all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors;*

(*b*) *all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;*

(*c*) *all property vested in the municipal council shall during the period between dissolution and reconstitution or of supersession, vest in the Government;*

(3) *After the issue of an order under sub-section* (1), *the municipal council shall by the election or appointment of councillors be reconstituted—*

(*i*) *in the case of dissolution on the date speeified in the order, or*

(*ii*) *in the case of supersession, on the date specified in the order under sub-secton* (1) *or sub-section* (4) *as the case may be.*

Power after enquiry to continue period of supersession.

(4) *If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.*

* * * * *

CHAPTER V.

PROPERTY AND FINANCE.

Property vested in the municipal council.

46. [42.] (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation:—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, [and public buildings of every description,]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along side or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

(2) * * * *

* * * * *

[Application of municipal fund.]

[46. The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in section 22, to all other purposes for which, by or under this regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.]

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests. *Application of municipal fund and property.*

* * *

[49 (1) The municipal council shall maintain accounts of the municipal fund in such forms as the Government may from time to time prescribe in this behalf.] [Maintenance and audit of accounts.]

53 (1) *Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.* *Maintenance of accounts and restrictions on expenditure.*

(2) *Expenditure from the municipal fund shall save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.*

54. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year. *Presentation of accounts.*

55. [49. (2)] The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed by the Government. Audit of accounts.

* * *

60. [54] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.* Recovery of amount surcharged.

TAXATION AND RECOVERY OF DUES.

* * *

66. [60] * * *

[61. The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force for a lump sum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned.] [Compounding for payment of octroi.]

* * *

72. [67] * * * Special powers of Government with regard to taxations.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, *and*

(*c*) *the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.*

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

* * *

79 [74] (1) * * * Control of erection of buildings.

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf; *Power of Government to prohibit the erection of buildings in certain area without permission.*

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

93. [87] * * *

* * *

94. *Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.* *Penalty for building in contravention of section 80.*

95 [88] * * * *

96. [89] If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall, [be deemed to have committed an offence under section 168 of the Indian Penal Code.] *On conviction before a magistrate be punished with fine which may extend to two hundred rupees.*

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

* * *

CHAPTER VIII.

MISCELLANEOUS.

* * * *

106 [99] (1). The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *
(*e*) * * *
(*f*) * * *
(*g*) * * *
(*h*) * * *
(*i*) * * *
(*j*) * * *
(*k*) * * *
(*l*) * * *
(*m*) * * *
(*n*) * * *
(*o*) * * *
(*p*) * * *
(*q*) * * *
(*r*) * * *
(*s*) *for the regulation of all matters connected with the grant of permission under section 80*;
(*t*) [(*s*)] * * *
(*u*) [(*t*)] * * *
(3) * * *
* * *

108. [101.] The Government may, *subject to such conditions and restrictions as may be prescribed*, confer on the holder of any alienated village which is constituted as a municipality under this Regulation *or on the agent of such holder*, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or the their agents powers of an Assistant Commissioner or a Deputy Commissioner.

5.11.32

RAJASABHABHUSHANA
K. R. SRINIVASIENGAR
RETIRED MEMBER OF COUNCIL

FIFTH ROAD, CHAMARAJAPET

Bangalore City, 11/11/32

Dear Sir

I hereunto return with my signature the draft report of the Select Committee appointed to consider the Mysore Municipalities Bill, sent by you with your letter no 2593-603 of 5th inst

Yours sincerely
K. R. Srinivasiengar

C. Subramania Iyer Esq Bar-at-Law
Secretary to the Select Committee of the Legislative Council

5 · 11 · 32

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

We the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill.

NOTE.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4 (4):—We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Clause 6 (2):—We have substituted the words "in its corporate name," for the words "through the President."

Clause 6 (3):—We decided that the elected element in the composition of minor municipal councils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substituted.

Clause 9 (1) and (2):—We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Clause 9 (3):—This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Clause 10 (4):—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 10 (7):—We considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidance is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (b) the words "two months" are substituted.

and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Clause 40 [*37*] (*1*):—The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Clause 41:—We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Clause 42 [*38*]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [*42*] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

Clause 50 [*46*].—We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Clause 53 [*49* (*1*)].—We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably.

Clause 54.—A new clause has been inserted for providing for the passing of the municipal accounts at the meetings of the Municipal Council.

Clause 55 [(*49*) (*2*).]—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [*54*].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Clauses 72 [*67*] *Proviso* (*c*).—We have inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

Clause 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest,

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [99] (2) (f).—This para has been newly inserted by us after the existing para (r) as we consider the the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [101].—We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

In Clause 80 in the marginal head line the change to "In which some officer of Govt is found".

In Clause 82 in the marginal head line in word 'disease' to be changed to 'disease'.

10/11/80

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the select committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE MINOR MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 19 ... .. Short title.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of.....

* * *

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) * * *

(2) * * *

(3) * * *

(4) *When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.* *Naming of municipalities comprising two or more places.*

5. * * *

6. (1) * * *

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued [through the president] *in its corporate name.* Incorporation of municipal councils.

3. (*a*) * * * Constitution of municipal councils.

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than [one-half] *two-thirds* of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) * * *

(*d*) * * *

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the " [one-half] *two-thirds* of the number " mentioned in clause (*b*) shall be exclusive of such president.

(4) * * *

* * *

[Disqualification of councillors.]

[9. (1) No person may become a councillor if—

(*a*) he is a subordinate officer or servant of a municipal council ; or

(*b*) he has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19— , or

(*c*) he has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned ; or

(*d*) the is adjudicated an insolvent ; or

(*e*) he has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure, 1904.

Provided that

(*a*) he disqualification under clause (*e*) will cease to operate after the expiry of the period during which a person is ordered to furnish security; and

(*b*) the disqualifications under clauses (*b*) and (*c*) will cease to operate after the expiry of three years from the date of such removal or sentence, or earlier by an order of the Government.]

[(2) If any person, elected or appointed —

(*a*) is or becomes subject to any of the disqualifications mentioned is sub-section (1), or

(*b*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the council, except with the leave of the council, or

(*c*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf is served upon him,

his seat shall be deemed to be vacant.]

General disqualifications for becoming a councillor.

9. (*1*) *No person may be a councillor—*

(a) (i) *who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or*

(ii) *against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or*

(iii) *who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19...., or*

(b) *who is an undischarged insolvent,*

and no person

(c) *who is a subordinate officer or servant of a municipal council, or*

(d) *who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council;*

may be a member of such municipal council.

Provided that—

(a) *the disqualification in sub-clause (ii) of clause (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security;*

(b) *the disqualification in sub-clauses, (i) and (iii) of clause (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;*

(c) *the disqualification under clause (d) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.*

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) *If any councillor during the term for which he has been elected or appointed —*

(a) *becomes subject to any disqualification specified in clauses (a), (b) and (c) of sub-section (1), or*

(b) *acquires any such share or interest as is specified in clause (d) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or*

(c) *not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or*

(d) *fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him, he shall be disabled from continuing to be a councillor and his office shall become vacant.*

This should come below (d) as a separate para + not as a continuation of subclause (d)

(3) *A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.*

(4) [(3)] * * *
* * * *
10. (1) * * *.
(2) * * *
(3) * * *

Vice president to be elected [except in special cases.]

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

(5) * * *
(6) * * *

Vacation of office by president and vice-president for want of confidence.

(7) Every president [or] other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council [except an official President appointed *ex-officio* or by name] shall forthwith be deemed to have vacated his office:

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than [one month] *two months* and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

[(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

Vacation of office by vicepresident on becoming president.

(9) *If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.*

(10) [(9)] * * *
* * *
* * *

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his [office] *membership and a vice-president may resign his office as vice-president* by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. [The president may resign his office as coucillor or as president by giving a notice in writing to that effect to the Deputy Commissioner. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.]

The president may resign his membership or his office as president by giving ntice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

* * *

16. * * *

Bar of suits relating to elections, etc.

17. *No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.*

18. [17] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *
(7) * * *

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within [two] *five days* from the date of the meeting.

Committees.

19 [18]. Subject to such rules as may be prescribed in this behalf, the municipal council may [appoint committees to exercise and perform any of its powers and duties] *constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.*

20. [19.] * * *

Certain officers entitled to attend and speak at meetings of municipal council.

21. [20.] Any officer of the Government authorised by the Government *or by the Deputy Commissioner* in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

* * *

CHAPTER III.

FUNCTIONS AND LIABILITIES.

Obligatory duties.

23. [22.] (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

* * *

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) *by a resolution passed at* a *general meeting and supported by one-half of the whole number of councillors, and* with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) * * *

(*c*) * * *

(3) * * *

Power of municipal council to acquire and hold property and to contract.

24. [23.] * * *

Contracts by officers appointed by Government to execute municipal works and payment for such works.

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

* * *

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. [29] (1) Except as [is] herein otherwise provided, [in this regulation,] no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council; [in exercise of the powers vested in him under the provisions of this Regulation;] the municipal fund [at the disposal of the municipal council] shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors, for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, [and any] *the* vice-president, *or other officer or person* to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall [also] be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect *or has been caused or facilitated by his misconduct.*

* * *

CHAPTER IV.

CONTROL.

34. [32.] (1) * * *

(2) * * *

Chief controlling authority.

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be [delegated by the Government to] *conferred by the Government on* any officer subordinate to it.

* * *

37. [35] (1) * * *

(2) * * *

(3) * * *

Power to provide for the performance of duties or works in case of default or in case of emergency.

38. (1) *Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.*

Agency for execution of public works.

(2) *All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.*

(3) *When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.*

(4) *If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

39. [36]. (1) Notwithstanding anything contained in this Regulation, the Government may at any time *after consulting the municipal council.*

Special provisions in regard to works executed by the Government.

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health *or* safety [or convenience] of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal coudcil, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with intererest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) * * *

40. [37] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint [from not less than one-half of the rate-payers in a municipality] against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder. Government inquiry into municipal matters.

[*Explanation.*—For the purposes of this section, the word "rate-payers" means persons assessed to taxes specified in clause, (*b*) to (*g*) of sub-section (1) of section 55.]

(2) * * *
(3) * * *
(4) * * *

41. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.* *Power of Government to direct person in custody of municipal fund to pay Government dues.*

[38. If in the opinion of the Government, a municipal council is not competent to perform, or presistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official gazette, declare the municipal council to be dissolved or superseded as it deems fit. [Dissolution or supersession of municipal council and appointment of Commissioner or Commissioners to exercise the powers of the municipal council.]

(2) On the dissolution or supersession of a municipal council, all councillors of the municipal council shall from the date specified in the notification, vacate their seats and in place of the municipal council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determines and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the municipal council and the president under this Regulation.

(3) All properties, assets, rights and liabilities of the municipal council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

(4) If, after enquiry made, the Government so directs, the period of dissolution or supersession with all the consequences as aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.]

42. (1) *If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.*

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

(2) *When the municipal council is so dissolved or superseded, the following consequences shall ensue:—*

Consequences of exercise of such power.

(*a*) *all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors;*

(*b*) *all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;*

(*c*) *all property vested in the municipal council shall during the period between dissolution and reconstitution or of supersession, vest in the Government;*

(3) *After the issue of an order under sub-section* (1), *the municipal council shall by the election or appointment of councillors be reconstituted—*

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-secton (1) *or sub-section* (4) *as the case may be.*

Power after enquiry to continue period of supersession.

(4) *If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.*

* * * * *

CHAPTER V.

PROPERTY AND FINANCE.

Property vested in the municipal council.

46. [42.] (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation:—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, [and public buildings of every description,]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along side or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

(2) * * * *
* * * * *

[Application of municipal fund.]

[46. The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in section 22, to all other purposes for which, by or under this regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.]

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests. *Application of muuicipal fund and property.*

* * *

[49 (1) The municipal council shall maintain accounts of the municipal fund in such forms as the Government may from time to time prescribe in this behalf.] [Maintenance and audit of accounts.]

53 (1) *Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.* *Maintenance of accounts and restrictions on expenditure.*

(2) *Expenditure from the municipal fund shall save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.*

54. (1) *Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.* *Presentation of accounts.*

55. [49. (2)] The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed by the Government. Audit of accounts.

* * *

60. [54] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.* Recovery of amount surcharged.

CHAPTER VI.

Bar of other Proceedings.

TAXATION AND RECOVERY OF DUES.

* * *

66. [60] * * *

[61. The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force for a lump sum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by tne merchant in the article or articles concerned.]

[Compounding for payment of octroi.]

* * *

72. [67] * * *

Special powers of Government with regard to taxations.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, *and*

(*c*) *the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.*

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

* * *

Control of erection of buildings.

79 [74] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Power of Government to prohibit the erection of buildings in certain area without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

93. [87] * * *

* * *

94. *Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.*

Penalty for building in contravention of section 80.

95 [88] * * * *

96. [89] If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall, [be deemed to have committed an offence under section 168 of the Indian Penal Code.] *On conviction before a magistrate, be punished with fine which may extend to two hundred rupees.*

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

* * *

CHAPTER VIII.

MISCELLANEOUS.

* * * *

106 [99] (1). The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *
(*e*) * * *
(*f*) * * *
(*g*) * * *
(*h*) * * *
(*i*) * * *
(*j*) * * *
(*k*) * * *
(*l*) * * *
(*m*) * * *
(*n*) * * *
(*o*) * * *
(*p*) * * *
(*q*) * * *
(*r*) * * *
(*s*) *for the regulation of all matters connected with the grant of permission under section 80;*
(*t*) [(*s*)] * * *
(*u*) [(*t*)] * * *
(3) * * *
* * *

108. [101.] The Government may, *subject to such conditions and restrictions as may be prescribed,* confer on the holder of any alienated village which is constituted as a municipality under this Regulation *or on the agent of such holder,* all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or the their agents powers of an Assistant Commissioner or a Deputy Commissioner.

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No. C.D. C.P. 116/32-33.
Enc one.

Tel. Address.—"DEPCOM"
Post Box No 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the 11th November *1932*.

FROM

K. V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

C. Subrahmanya Iyer, Esq., B.A., B.L.,
Secretary, Select Committee, Public Offices,
Bangalore.

SIR,

Subject:—

I have the honour to return herewith the draft report of the Select Committees on the Minor Municipalities Bill received with your letter No. P. 2593-603 dated the 5th instant and to state that the draft is alright.

I have the honour to be
Sir,
Your most obedient servant.

Deputy Commissioner,
Bangalore District.

SRD/11-11-32.

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

We the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill.

NOTE.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4 (4):—We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Clause 6 (2):—We have substituted the words "in its corporate name," for the words "through the President."

Clause 6 (3):—We decided that the elected element in the composition of minor municipal councils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substituted.

Clause 9 (1) and (2):—We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Clause 9 (3):—This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Clause 10 (4):—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 10 (7):—We considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidance is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (b) the words "two months" are substituted.

Cluase 10 (8);—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted and further necessary verbal changes are made.

Cluase 10 (9);—We have added this sub-clause after the existing sub-clause (8) to provide for vacation of office by a vice-president on becoming president.

Cluase 13;—We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. The clause has been suitably amended and the omission to provide for the vacation of office of vice-president by a vice-president has been supplied.

Clause 17.—We consider it expedient that civil courts should not entertain any suits in respect of appointment, election or removal of councillors, presidents and vice-presidents unless they are specially empowered in the Regulation or the rules thereunder and we have inserted a new clause for this purpose after the existing clause 16.

Clause 18 [*17*] (*8*):—We consider that the limit of time prescribed for the submission of minutes, proceedings and resolutions is too short and have raised it to five days.

Clause 19 [*18*]:—We have substituted this clause as being more comprehensive than the original clause.

Clause 21 [*20*]:—We consider that any officer of the Government authorised by the Deputy Commissioner may also have power to attend meetings of the municipal councils and address them and have inserted the words "or by the Deputy Commissioner" after the words "by the Government."

Clause 23 [*22*] (*2*):—We consider that expenditure on public receptions, etc., should be incurred only after approval by one-half of the whole number of councillors at a general meeting and have suitably amended the clause.

Clause 25:—This clause has been newly inserted by us after the existing clause 23 to provide for contracts by officers of Government for execution of works on behalf of municipal councils.

Clause 31 [*29*]:—Consequent on the amendment of the existing clause 18, this clause has been suitably re-cast and the liability of the officers of the municipality due to their misconduct has been made similar to that of the members.

Clause 34 [*32*](3):—We have replaced the words "delegated by the Government to" by the words "conferred by the Government on" as being more appropriate.

Clause 38:—This clause has been newly inserted after the existing clause 35 in order to provide for the agency for execution of public works.

Clause 39 [*36*]:—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the work should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly, we have inserted the words "after consulting the municipal council" after the words "at any time" in sub-clause (1)

and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Clause 40 [*37*] (*1*):—The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Clause 41:—We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Clause 42 [*38*]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [*42*] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

Clause 50 [*46*].—We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Clause 53 [*49* (*1*)].—We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably.

Clause 54.—A new clause has been inserted for providing for the passing of the municipal accounts at the meetings of the Municipal Council.

Clause 55 [(*49*) (*2*).]—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [*54*].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Clauses 72 [*67*] *Proviso* (*c*).—We have inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

Clause 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest,

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [99] (2) (f).—This para has been newly inserted by us after the existing para (r) as we consider the the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [101].—We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the select committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE MINOR MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 19 ... ... Short title.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of.....

* * *

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) * * *

(2) * * *

(3) * * *

(4) *When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.* *Naming of municipalities comprising two or more places.*

5. * * *

6. (1) * * *

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued [through the president] *in its corporate name.* Incorporation of municipal councils.

3. (*a*) * * * Constitution of municipal councils.

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than [one-half] *two-thirds* of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) * * *

(*d*) * * *

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the " [one-half] *two-thirds* of the number " mentioned in clause (*b*) shall be exclusive of such president.

(4) * * *

* * *

[Disqualification of councillors.]

[9. (1) No person may become a councillor if—

(*a*) he is a subordinate officer or servant of a municipal council ; or

(*b*) he has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19— , or

(*c*) he has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned ; or

(*d*) the is adjudicated an insolvent ; or

(*e*) he has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure, 1904.

Provided that

(*a*) he disqualification under clause (*e*) will cease to operate after the expiry of the period during which a person is ordered to furnish security; and

(*b*) the disqualifications under clauses (*b*) and (*c*) will cease to operate after the expiry of three years from the date of such removal or sentence, or earlier by an order of the Government.]

[(*2*) If any person, elected or appointed —

(*a*) is or becomes subject to any of the disqualifications mentioned is sub-section (1), or

(*b*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the council, except with the leave of the council, or

(*c*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf is served upon him,

his seat shall be deemed to be vacant.]

General disqualifications for becoming a councillor.

9. (*1*) *No person may be a councillor—*

(a) (i) *who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or*

(ii) *against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or*

(iii) *who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19...., or*

(b) *who is an undischarged insolvent,*

and no person

(c) *who is a subordinate officer or servant of a municipal council, or*

(d) *who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,*

may be a member of such municipal council.

Provided that—

(a) *the disqualification in sub-clause (ii) of clause (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security;*

(b) *the disqualification in sub-clauses, (i) and (iii) of clause (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;*

(c) *the disqualification under clause (d) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.*

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) *If any councillor during the term for which he has been elected or appointed —*

(a) *becomes subject to any disqualification specified in clauses (a), (b) and (c) of sub-section (1), or*

(b) *acquires any such share or interest as is specified in clause (d) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or*

(c) *not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or*

(d) *fails to pay any arrears of any kind due by him to the muuicipal council within three months after a special notice in this behalf has been served upon him, he shall be disabled from continuing to be a councillor and his office shall become vacant.*

(3) *A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.*

(4) [(3)] * * *
* * * *
10. (1) * * *
(2) * * *
(3) * * *

Vice president to be elected [except in special cases.]

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

(5) * * *
(6) * * *

Vacation of office by president and vice-president for want of confidence.

(7) Every president [or] other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council [except an official President appointed *ex-officio* or by name] shall forthwith be deemed to have vacated his office

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than [one month] *two months* and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

[(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

Vacation of office by vicepresident on becoming president.

(9) *If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his affice as vice-president.*

(10) [(9)] * * *
* * *
* * *

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his [office] *membership and a vice-president may resign his office as vice-president* by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. [The president may resign his office as coucillor or as president by giving a notice in writing to that effect to the Deputy Commissioner. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.]

The president may resign his membership or his office as president by giving ntice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

* * *

16. * * *

Bar of suits relating to elections, etc.

17. *No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.*

18. [17] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *
(7) * * *

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within [two] *five days* from the date of the meeting.

Committees.

19 [18]. Subject to such rules as may be prescribed in this behalf, the municipal council may [appoint committees to exercise and perform any of its powers and duties] *constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.*

20. [19.] * * *

Certain officers entitled to attend and speak at meetings of municipal council.

21. [20.] Any officer of the Government authorised by the Government *or by the Deputy Commissioner* in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

* * *

CHAPTER III.

FUNCTIONS AND LIABILITIES.

Obligatory duties.

23. [22.] (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

* * *

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) *by a resolution passed at* a *general meeting and supported by one-half of the whole number of councillors, and* with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) * * *

(*c*) * * *

(3) * * *

Power of municipal council to acquire and hold property and to contract.

24. [23.] * * *

Contracts by officers appointed by Government to execute municipal works and payment for such works.

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

* * *

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. [29] (1) Except as [is] herein otherwise provided, [in this regulation,] no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council; [in exercise of the powers vested in him under the provisions of this Regulation;] the municipal fund [at the disposal of the municipal council] shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors, for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, [and any] *the* vice-president, *or other officer or person* to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall [also] be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect *or has been caused or facilitated by his misconduct.*

* * *

CHAPTER IV.

CONTROL.

34. [32.] (1) * * Chief controlling authority.

(2) * * *

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be [delegated by the Government to] *conferred by the Government on* any officer subordinate to it.

* * *

37. [35] (1) * * * Power to provide for the performance of duties or works in case of default or in case of emergency.

(2) * * *

(3) * * *

38. (1) *Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.* *Agency for execution of public works.*

(2) *All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.*

(3) *When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.*

(4) *If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

39. [36]. (1) Notwithstanding anything contained in this Regulation, the Government may at any time *after consulting the municipal council.* Special provisions in regard to works executed by the Government.

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health *or* safety [or convenience] of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal coudcil, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with intererest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) * * *

40. [37] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint [from not less than one-half of the rate-payers in a municipality] against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder. Government inquiry into municipal matters.

[*Explanation.*—For the purposes of this section, the word "rate-payers" means persons assessed to taxes specified in clause; (*b*) to (*g*) of sub-section (1) of section 55.]

(2) * * *
(3) * * *
(4) * * *

41. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.* *Power of Government to direct person in custody of municipal fund to pay Government dues.*

[38. If in the opinion of the Government, a municipal council is not competent to perform, or presistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official gazette, declare the municipal council to be dissolved or superseded as it deems fit. [Dissolution or supersession of municipal council and appointment of Commissioner or Commissioners to exercise the powers of the municipal council.]

(2) On the dissolution or supersession of a municipal council, all councillors of the municipal council shall from the date specified in the notification, vacate their seats and in place of the municipal council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determines and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the municipal council and the president under this Regulation.

(3) All properties, assets, rights and liabilities of the municipal council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

(4) If, after enquiry made, the Government so directs, the period of dissolution or supersession with all the consequences as aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.]

42. (1) *If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.*

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

(2) *When the municipal council is so dissolved or superseded, the following consequences shall ensue:—*

Consequences of exercise of such power.

(a) *all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors;*

(b) *all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;*

(c) *all property vested in the municipal council shall during the period between dissolution and reconstitution or of supersession, vest in the Government;*

(3) *After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—*

(i) *in the case of dissolution on the date specified in the order, or*

(ii) *in the case of supersession, on the date specified in the order under sub-secton (1) or sub-section (4) as the case may be.*

(4) *If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.*

Power after enquiry to continue period of supersession.

* * * *

CHAPTER V.

PROPERTY AND FINANCE.

46. [42.] (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation:— Property vested in the municipal council.

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, [and public buildings of every description,]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along side or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

(2) * * * *
* * * * *

[46. The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in section 22, to all other purposes for which, by or under this regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.] [Application of municipal fund.]

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests. *Application of muuicipal fund and property.*

* * *

[49 (1) The municipal council shall maintain accounts of the municipal fund in such forms as the Government may from time to time prescribe in this behalf.] [Maintenance and audit of accounts.]

53 (1) *Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.* *Maintenance of accounts and restrictions on expenditure.*

(2) Expenditure from the municipal fund shall save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

54. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year. *Presentation of accounts.*

55. [49. (2)] The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed by the Government. Audit of accounts.

* * *

60. [54] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.* Recovery of amount surcharged.

CHAPTER VI.

TAXATION AND RECOVERY OF DUES.

Bar of other Proceedings.

* * *

66. [60] * * *

[61. The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force for a lump sum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by tne merchant in the article or articles concerned.]

[Compounding for payment of octroi.]

* * *

72. [67] * * *

Special powers of Government with regard to taxations.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, *and*

(*c*) *the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.*

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

* * *

79 [74] (1) * * *

Control of erection of buildings.

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Power of Government to prohibit the erection of buildings in certain area without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

93. [87] * * *

* * *

94. *Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.*

Penalty for building in contravention of section 80.

95 [88] * * * *

96. [89] If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall, [be deemed to have committed an offence under section 168 of the Indian Penal Code.] *On conviction before a magistrate be punished with fine which may extend to two hunderd rupees.*

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

* * *

CHAPTER VIII.

MISCELLANEOUS.

* * * *

106 [99] (1). The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *
(*e*) * * *
(*f*) * * *
(*g*) * * *
(*h*) * * *
(*i*) * * *
(*j*) * * *
(*k*) * * *
(*l*) * * *
(*m*) * * *
(*n*) * * *
(*o*) * * *
(*p*) * * *
(*q*) * * *
(*r*) * * *
(*s*) *for the regulation of all matters connected with the grant of permission under section 80;*
(*t*) [(*s*)] * * *
(*u*) [(*t*)] * * *
(3) * * *
* * *

108. [101.] The Government may, *subject to such conditions and restrictions as may be prescribed,* confer on the holder of any alienated village which is constituted as a municipality under this Regulation *or on the agent of such holder,* all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or the their agents powers of an Assistant Commissioner or a Deputy Commissioner.

K. CHENGALARAYA REDDY
B.A., B.L., M.L.C.

KYASAMBALLY, (P. O.)
(Via) COROMANDEL.

2693/P832 97

Date 9 : 11 : 1932

To.

C. Subramaniya Iyer Esqr. BA., BL.,
Secretary, Select Committee
Bangalore.

Dear Sir,

I beg to enclose herewith the draft reports of the Select Committee on the three municipal bills with my approval of the same

I have the honour to remain,
Sir,
Your most obedient servant
K. Chengalaraya Reddy.

Mynr

and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Clause 40 [*37*] (*1*):—The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Clause 41:—We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Clause 42 [*38*]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [*42*] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

Clause 50 [*46*].—We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Clause 53 [*49* (*1*)].—We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably.

Clause 54.—A new clause has been inserted for providing for the passing of the municipal accounts at the meetings of the Municipal Council.

Clause 55 [(*49*) (*2*).]—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [*54*].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Clauses 72 [*67*] *Proviso* (*c*).—We have inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

Clause 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest,

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [99] (2) (f).—This para has been newly inserted by us after the existing para (r) as we consider the the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [101].—We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

B A Rahman

Cluase 10 (8);—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted and further necessary verbal changes are made.

Cluase 10 (9);—We have added this sub-clause after the existing sub-clause (8) to provide for vacation of office by a vice-president on becoming president.

Cluase 13;—We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. The clause has been suitably amended and the omission to provide for the vacation of office of vice-president by a vice-president has been supplied.

Clause 17.—We consider it expedient that civil courts should not entertain any suits in respect of appointment, election or removal of councillors, presidents and vice-presidents unless they are specially empowered in the Regulation or the rules thereunder and we have inserted a new clause for this purpose after the existing clause 16.

Clause 18 [*17*] (*8*):—We consider that the limit of time prescribed for the submission of minutes, proceedings and resolutions is too short and have raised it to five days.

Clause 19 [*18*]:—We have substituted this clause as being more comprehensive than the original clause.

Clause 21 [*20*]:—We consider that any officer of the Government authorised by the Deputy Commissioner may also have power to attend meetings of the municipal councils and address them and have inserted the words "or by the Deputy Commissioner" after the words "by the Government."

Clause 23 [*22*] (*2*):—We consider that expenditure on public receptions, etc., should be incurred only after approval by one-half of the whole number of councillors at a general meeting and have suitably amended the clause.

Clause 25:—This clause has been newly inserted by us after the existing clause 23 to provide for contracts by officers of Government for execution of works on behalf of municipal councils.

Clause 31 [*29*]:—Consequent on the amendment of the existing clause 18, this clause has been suitably re-cast and the liability of the officers of the municipality due to their misconduct has been made similar to that of the members.

Clause 34 [*32*](3):—We have replaced the words "delegated by the Government to" by the words "conferred by the Government on" as being more appropriate.

Clause 38:—This clause has been newly inserted after the existing clause 35 in order to provide for the agency for execution of public works.

Clause 39 [*36*]:—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the work should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly, we have inserted the words "after consulting the municipal council" after the words "at any time" in sub-clause (1)

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

We the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill.

NOTE.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4 (4):—We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Clause 6 (2):—We have substituted the words "in its corporate name," for the words "through the President."

Clause 6 (3):—We decided that the elected element in the composition of minor municipal councils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substituted.

Clause 9 (1) and (2):—We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Clause 9 (3):—This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Clause 10 (4):—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 10 (7):—We considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidance is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (b) the words "two months" are substituted.

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

2706 P 32 98

B. ABDUR RAHMON, B.A.

BAUNKEY NAWAB STREET,
BANGALORE CITY.

Dated 11th November 1932

To.

C.Subramaniam, Esqr., B.A., B.L.,
Secretary, Select Committee
Bangalore.

Dear Sir,

With reference to your letter No. P.2593-603 dated 5th November 1932, I am sending herewith the Report of the Select Committee on the minor municipalities Bill with my approval.

Thanking you,

Yours faithfully,

B A Rahmon

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

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K. Chengalaraya Reddy.

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DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

99

Office of the Secretary,
Select Committee.
Public Offices.

No. P. 2593-603 Bangalore, dated 5th Novr. 1932.
Ecc 1

From

C. Subramaniya, Iyer, Esq., B.A., B.L.,

Secretary, Select Committee, Bangalore.

To

R. Ranga Rao - Esq - B.A. B.L.

Member, Mysore Legislative Council.

Sir,

In forwarding herewith draft Report of the Select Committees on the Minor Municipalities Bill, I am directed to request that the same may kindly be returned with your approval within a week.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary,
Select Committee.

Returned with thanks
RR
7/11/32

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

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and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

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Clause 42 [*38*]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [*42*] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

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Clause 55 [(*49*) (*2*).]—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [*54*].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

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Clause 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest,

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [99] (2) (f).—This para has been newly inserted by us after the existing para (r) as we consider the the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [101].—We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

R. Ramaseshan

7/11/92

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the select committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE MINOR MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 19 ... .. Short title.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of.....

* * *

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) * * *

(2) * * *

(3) * * *

(4) *When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.* *Naming of municipalities comprising two or more places.*

5. * * *

6. (1) * * *

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued [through the president] *in its corporate name.* Incorporation of municipal councils.

3. (*a*) * * * Constitution of municipal councils.

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than [one-half] *two-thirds* of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) * * *

(*d*) * * *

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the " [one-half] *two-thirds* of the number " mentioned in clause (*b*) shall be exclusive of such president.

(4) * * *

* * *

[Disqualification of councillors.]

[9. (1) No person may become a councillor if—

(*a*) he is a subordinate officer or servant of a municipal council ; or

(*b*) he has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19— , or

(*c*) he has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned ; or

(*d*) the is adjudicated an insolvent ; or

(*e*) he has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure, 1904.

Provided that

(*a*) he disqualification under clause (*e*) will cease to operate after the expiry of the period during which a person is ordered to furnish security; and

(*b*) the disqualifications under clauses (*b*) and (*c*) will cease to operate after the expiry of three years from the date of such removal or sentence, or earlier by an order of the Government.]

[(2) If any person, elected or appointed —

(*a*) is or becomes subject to any of the disqualifications mentioned is sub-section (1), or

(*b*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the council, except with the leave of the council, or

(*c*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf is served upon him,

his seat shall be deemed to be vacant.]

General disqualifications for becoming a councillor.

9. (1) *No person may be a councillor—*

(a) (i) *who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or*

(ii) *against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or*

(iii) *who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19...., or*

(b) *who is an undischarged insolvent,*

and no person

(c) *who is a subordinate officer or servant of a municipal council, or*

(d) *who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,*

may be a member of such municipal council.

Provided that—

(a) *the disqualification in sub-clause (ii) of clause (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security;*

(b) *the disqualification in sub-clauses, (i) and (iii) of clause (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;*

(c) *the disqualification under clause (d) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.*

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) *If any councillor during the term for which he has been elected or appointed —*

(a) *becomes subject to any disqualification specified in clauses (a), (b) and (c) of sub-section (1), or*

(b) *acquires any such share or interest as is specified in clause (d) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or*

(c) *not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or*

(d) *fails to pay any arrears of any kind due by him to the muuicipal council within three months after a special notice in this behalf has been served upon him, he shall be disabled from continuing to be a councillor and his office shall become vacant.*

(3) *A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.*

(4) [(3)] * * *
* * * *
10. (1) * * *
(2) * * *
(3) * * *

Vice president to be elected [except in special cases.]

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

(5) * * *
(6) * * *

Vacation of office by president and vice-president for want of confidence.

(7) Every president [or] other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council [except an official President appointed *ex-officio* or by name] shall forthwith be deemed to have vacated his office

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than [one month] *two months* and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

[(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

Vacation of office by vicepresident on becoming president.

(9) *If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his affice as vice-president.*

(10) [(9)] * * *
* * *
* * *

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his [office] *membership and a vice-president may resign his office as vice-president* by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. [The president may resign his office as coucillor or as president by giving a notice in writing to that effect to the Deputy Commissioner. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.]

The president may resign his membership or his office as president by giving ntice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

* * *

16. * * *

Bar of suits relating to elections, etc.

17. *No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.*

18. [17] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *
(7) * * *

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within [two] *five days* from the date of the meeting.

Committees.

19 [18]. Subject to such rules as may be prescribed in this behalf, the municipal council may [appoint committees to exercise and perform any of its powers and duties] *constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.*

20. [19.] * * *

Certain officers entitled to attend and speak at meetings of municipal council.

21. [20.] Any officer of the Government authorised by the Government *or by the Deputy Commissioner* in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

* * *

CHAPTER III.

FUNCTIONS AND LIABILITIES.

Obligatory duties.

23. [22.] (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

* * *

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) *by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and* with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) * * *

(*c*) * * *

(3) * * *

Power of municipal council to acquire and hold property and to contract.

24. [23.] * * *

Contracts by officers appointed by Government to execute municipal works and payment for such works.

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

* * *

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. [29] (1) Except as [is] herein otherwise provided, [in this regulation,] no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council; [in exercise of the powers vested in him under the provisions of this Regulation;] the municipal fund [at the disposal of the municipal council] shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors, for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, [and any] *the* vice-president, *or other officer or person* to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall [also] be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect *or has been caused or facilitated by his misconduct.*

* * *

CHAPTER IV.

CONTROL.

34. [32.] (1) * * Chief controlling authority.

(2) * * *

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be [delegated by the Government to] *conferred by the Government on* any officer subordinate to it.

* * *

37. [35] (1) * * * Power to provide for the performance of duties or works in case of default or in case of emergency.

(2) * * *

(3) * * *

38. (1) *Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.* *Agency for execution of public works.*

(2) *All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.*

(3) *When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.*

(4) *If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

39. [36]. (1) Notwithstanding anything contained in this Regulation, the Government may at any time *after consulting the municipal council.* Special provisions in regard to works executed by the Government.

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health *or* safety [or convenience] of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal coudcil, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with intererest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2)

40. [37] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint [from not less than one-half of the rate-payers in a municipality] against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder. Government inquiry into municipal matters.

[*Explanation.*—For the purposes of this section, the word "rate-payers" means persons assessed to taxes specified in clause, (*b*) to (*g*) of sub-section (1) of section 55.]

(2) * * *
(3) * * *
(4) * * *

41. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.* *Power of Government to direct person in custody of municipal fund to pay Government dues.*

[38. If in the opinion of the Government, a municipal council is not competent to perform, or presistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official gazette, declare the municipal council to be dissolved or superseded as it deems fit. [Dissolution or supersession of municipal council and appointment of Commissioner or Commissioners to exercise the powers of the municipal council.]

(2) On the dissolution or supersession of a municipal council, all councillors of the municipal council shall from the date specified in the notification, vacate their seats and in place of the municipal council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determines and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the municipal council and the president under this Regulation.

(3) All properties, assets, rights and liabilities of the municipal council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

(4) If, after enquiry made, the Government so directs, the period of dissolution or supersession with all the consequences as aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.]

42. (1) *If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.*

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

(2) *When the municipal council is so dissolved or superseded, the following consequences shall ensue:—*

Consequences of exercise of such power.

(*a*) *all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors;*

(*b*) *all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;*

(*c*) *all property vested in the municipal council shall during the period between dissolution and reconstitution or, of supersession, vest in the Government;*

(3) *After the issue of an order under sub-section* (1), *the municipal council shall by the election or appointment of councillors be reconstituted—*

(*i*) *in the case of dissolution on the date speeified in the order, or*

(*ii*) *in the case of supersession, on the date specified in the order under sub-secton* (1) *or sub-section* (4) *as the case may be.*

Power after enquiry to continue period of supersession.

(4) *If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.*

* * * * *

CHAPTER V.

PROPERTY AND FINANCE.

Property vested in the municipal council.

46. [42.] (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation:—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, [and public buildings of every description,]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along side or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

(2) * * * *
* * * * *

[Application of municipal fund.]

[46. The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in section 22, to all other purposes for which, by or under this regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.]

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests. *Application of municipal fund and property.*

* * *

[49 (1) The municipal council shall maintain accounts of the municipal fund in such forms as the Government may from time to time prescribe in this behalf.] [Maintenance and audit of accounts.]

53 (1) *Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.* *Maintenance of accounts and restrictions on expenditure.*

(2) Expenditure from the municipal fund shall save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

54. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year. *Presentation of accounts.*

55. [49. (2)] The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed by the Government. Audit of accounts.

* * *

60. [54] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.* Recovery of amount surcharged.

CHAPTER VI.

Bar of other Proceedings.

TAXATION AND RECOVERY OF DUES.

* * *

66. [60] * * *

[61. The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force for a lump sum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by tne merchant in the article or articles concerned.]

[Compounding for payment of octroi.]

* * *

72. [67] * * *

Special powers of Government with regard to taxations.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, *and*

(*c*) *the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.*

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

* * *

79 [74] (1) * * *

Control of erection of buildings.

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Power of Government to prohibit the erection of buildings in certain area without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

93. [87] * * *

* * *

94. *Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.*

Penalty for building in contravention of section 80.

95 [88] * * * *

96. [89] If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall, [be deemed to have committed an offence under section 168 of the Indian Penal Code.] *On conviction before a magistrate be punished with fine which may extend to two hunderd rupees.*

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

* * *

CHAPTER VIII.

MISCELLANEOUS.

* * * *

106 [99] (1). The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of Government to make rules and orders,

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *
(*e*) * * *
(*f*) * * *
(*g*) * * *
(*h*) * * *
(*i*) * * *
(*j*) * * *
(*k*) * * *
(*l*) * * *
(*m*) * * *
(*n*) * * *
(*o*) * * *
(*p*) * * *
(*q*) * * *
(*r*) * * *
(*s*) *for the regulation of all matters connected with the grant of permission under section 80*;
(*t*) [(*s*)] * * *
(*u*) [(*t*)] * * *
(3) * * *
* * *

108. [101.] The Government may, *subject to such conditions and restrictions as may be prescribed*, confer on the holder of any alienated village which is constituted as a municipality under this Regulation *or on the agent of such holder*, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or the their agents powers of an Assistant Commissioner or a Deputy Commissioner.

100 2604 p 832

GOVERNMENT OF MYSORE

DEPARTMENT OF HEALTH.

J. V. KARVE, M.B., Ch.B., D.P.H.,
Director of Health.

Telephone No. 340

Telegram: HEALTH

W. C. SWEET, B.Sc., M.D., C.P.H.
Rockefeller Foundation Consultant in Health.

Encl. 487-4

"GRACE VILLE," PALACE ROAD,

Bangalore, (S. India), dated....November...7...193 2

FROM

J. V. KARVE, ESQ., M.B., Ch.B., (EDIN.), D.P.H. (LOND.),
Director of Health with the Government of His Highness the Maharaja of Mysore,
Bangalore.

To

C. Subramanya Iyer, Esq., B.A., B.L.,
Secretary, Select Committee,
Public Offices, Bangalore.

SIR,

I have the honour to return herewith, duly approved, the draft report of the Select Committee on the Minor Municipalities Bill, received with your letter No. 2593-603 dated 5th November 1932.

I have the honour to be,
Sir,
Your most obedient servant,

J. V. Karve
Director of Health.

95 [88] * * * *

96. [89] If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall, [be deemed to have committed an offence under section 168 of the Indian Penal Code.] *On conviction before a magistrate be punished with fine which may extend to two hunderd rupees.*

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

* * *

CHAPTER VIII.

MISCELLANEOUS.

* * * *

106 [99] (1). The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *
(*e*) * * *
(*f*) * * *
(*g*) * * *
(*h*) * * *
(*i*) * * *
(*j*) * * *
(*k*) * * *
(*l*) * * *
(*m*) * * *
(*n*) * * *
(*o*) * * *
(*p*) * * *
(*q*) * * *
(*r*) * * *
(*s*) *for the regulation of all matters connected with the grant of permission under section 80*;
(*t*) [(*s*)] * * *
(*u*) [(*t*)] * * *
(3) * * *
* * *

108. [101.] The Government may, *subject to such conditions and restrictions as may be prescribed*, confer on the holder of any alienated village which is constituted as a municipality under this Regulation *or on the agent of such holder*, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or the their agents powers of an Assistant Commissioner or a Deputy Commissioner.

CHAPTER VI.

Bar of other Proceedings.

TAXATION AND RECOVERY OF DUES.

* * *

66. [60] * * *

[61. The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force for a lump sum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by tne merchant in the article or articles concerned.] [Compounding for payment of octroi.]

* * *

72. [67] * * *

Special powers of Government with regard to taxations.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, *and*

(*c*) *the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.*

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

* * *

79 [74] (1) * * * Control of erection of Buildings.

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf; *Power of Government to prohibit the erection of buildings in certain area without permission.*

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

93. [87] * * *

* * *

94. *Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.* *Penalty for building in contravention of section 80.*

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests. *Application of muuicipal fund and property.*

* * *

[49 (1) The municipal council shall maintain accounts of the municipal fund in such forms as the Government may from time to time prescribe in this behalf.] [Maintenance and audit of accounts.]

53 (1) *Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.* *Maintenance of accounts and restrictions on expenditure.*

(2) Expenditure from the municipal fund shall save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

54. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year. *Presentation of accounts.*

55. [49. (2)] The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed by the Government. Audit of accounts.

* * *

60. [54] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.* Recovery of amount surcharged.

CHAPTER V.

PROPERTY AND FINANCE.

Property vested in the municipal council.

46. [42.] (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation:—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, [and public buildings of every description,]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along side or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

(2) * * * *
* * * * *

[Application of municipal fund.]

[46. The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in section 22, to all other purposes for which, by or under this regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.]

42. (1) *If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.*

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

(2) *When the municipal council is so dissolved or superseded, the following consequences shall ensue:—*

Consequences of exercise of such power.

(*a*) *all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors;*

(*b*) *all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;*

(*c*) *all property vested in the municipal council shall during the period between dissolution and reconstitution or of supersession, vest in the Government;*

(3) *After the issue of an order under sub-section* (1), *the municipal council shall by the election or appointment of councillors be reconstituted—*

(*i*) *in the case of dissolution on the date speeified in the order, or*

(*ii*) *in the case of supersession, on the date specified in the order under sub-secton* (1) *or sub-section* (4) *as the case may be.*

(4) *If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.*

Power after enquiry to continue period of supersession.

* * * * *

40. [37] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint [from not less than one-half of the rate-payers in a municipality] against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder. Government inquiry into municipal matters.

[*Explanation.*—For the purposes of this section, the word "rate-payers" means persons assessed to taxes specified in clause, (*b*) to (*g*) of sub-section (1) of section 55.]

(2) * * *
(3) * * *
(4) * * *

41. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.* *Power of Government to direct person in custody of municipal fund to pay Government dues.*

[38. If in the opinion of the Government, a municipal council is not competent to perform, or presistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official gazette, declare the municipal council to be dissolved or superseded as it deems fit. [Dissolution or supersession of municipal council and appointment of Commissioner or Commissioners to exercise the powers of the municipal council.]

(2) On the dissolution or supersession of a municipal council, all councillors of the municipal council shall from the date specified in the notification, vacate their seats and in place of the municipal council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determines and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the municipal council and the president under this Regulation.

(3) All properties, assets, rights and liabilities of the municipal council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

(4) If, after enquiry made, the Government so directs, the period of dissolution or supersession with all the consequences as aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.]

CHAPTER IV.

CONTROL.

34. [32.] (1) * * Chief controlling authority.

(2) * * *

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be [delegated by the Government to] *conferred by the Government on* any officer subordinate to it.

* *

37. [35] (1) * * * Power to provide for the performance of duties or works in case of default or in case of emergency.

(2) * * *

(3) * * *

38. (1) *Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.* *Agency for execution of public works.*

(2) *All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.*

(3) *When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.*

(4) *If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

39. [36]. (1) Notwithstanding anything contained in this Regulation, the Government may at any time *after consulting the municipal council.* Special provisions in regard to works executed by the Government.

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health *or* safety [or convenience] of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal coudcil, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with intererest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) * * *

CHAPTER III.

FUNCTIONS AND LIABILITIES.

Obligatory duties.

23. [22.] (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

* * *

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) *by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and* with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) * * *

(*c*) * * *

(3) * * *

Power of municipal council to acquire and hold property and to contract.

24. [23.] * * *

Contracts by officers appointed by Government to execute municipal works and payment for such works.

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

* * *

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. [29] (1) Except as [is] herein otherwise provided, [in this regulation,] no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council; [in exercise of the powers vested in him under the provisions of this Regulation;] the municipal fund [at the disposal of the municipal council] shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors, for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, [and any] *the* vice-president, *or other officer or person* to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall [also] be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect *or has been caused or facilitated by his misconduct.*

* * *

General disqualifications for becoming a councillor.

9. (1) *No person may be a councillor—*

(a) (i) *who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or*

(ii) *against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or*

(iii) *who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19...., or*

(b) *who is an undischarged insolvent,*

and no person

(c) *who is a subordinate officer or servant of a municipal council, or*

(d) *who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,*

may be a member of such municipal council.

Provided that—

(a) *the disqualification in sub-clause (ii) of clause (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security;*

(b) *the disqualification in sub-clauses, (i) and (iii) of clause (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;*

(c) *the disqualification under clause (d) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.*

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) *If any councillor during the term for which he has been elected or appointed —*

(a) *becomes subject to any disqualification specified in clauses (a), (b) and (c) of sub-section (1), or*

(b) *acquires any such share or interest as is specified in clause (d) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or*

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than [one-half] *two-thirds* of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) * * *

(*d*) * * *

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the " [one-half] *two-thirds* of the number " mentioned in clause (*b*) shall be exclusive of such president. .

(4) * * *

* * *

[Disqualification of councillors.]

[9. (1) No person may become a councillor if-

(*a*) he is a subordinate officer or servant of a municipal council ; or

(*b*) he has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19— , or

(*c*) he has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned ; or

(*d*) the is adjudicated an insolvent ; or

(*e*) he has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure, 1904.

Provided that

(*a*) he disqualification under clause (*e*) will cease to operate after the expiry of the period during which a person is ordered to furnish security; and

(*b*) the disqualifications under clauses (*b*) and (*c*) will cease to operate after the expiry of three years from the date of such removal or sentence, or earlier by an order of the Government.]

[(*2*) If any person, elected or appointed —

(*a*) is or becomes subject to any of the disqualifications mentioned is sub-section (1), or

(*b*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the council, except with the leave of the council, or

(*c*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf is served upon him,

his seat shall be deemed to be vacant.]

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the select committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE MINOR MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 19 ..... Short title.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of.....

* * *

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) * * *

(2) * * *

(3) * * *

(4) *When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.* *Naming of municipalities comprising two or more places.*

5. * * *

6. (1) * * *

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued [through the president] *in its corporate name.* Incorporation of municipal councils.

3. (*a*) * * * Constitution of municipal councils.

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [99] (2) (f).—This para has been newly inserted by us after the existing para (r) as we consider the the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [101].—We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Clause 40 [*37*] (*1*):—The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Clause 41:—We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Clause 42 [*38*]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [*42*] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

Clause 50 [*46*].—We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Clause 53 [*49* (*1*)].—We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably.

Clause 54.—A new clause has been inserted for providing for the passing of the municipal accounts at the meetings of the Municipal Council.

Clause 55 [(*49*) (*2*).]—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [*54*].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Clauses 72 [*67*] *Proviso* (*c*).—We have inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

Clause 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest,

Cluase 10 (8);—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted and further necessary verbal changes are made.

Cluase 10 (9);—We have added this sub-clause after the existing sub-clause (8) to provide for vacation of office by a vice-president on becoming president.

Cluase 13;—We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. The clause has been suitably amended and the omission to provide for the vacation of office of vice-president by a vice-president has been supplied.

Clause 17.—We consider it expedient that civil courts should not entertain any suits in respect of appointment, election or removal of councillors, presidents and vice-presidents unless they are specially empowered in the Regulation or the rules thereunder and we have inserted a new clause for this purpose after the existing clause 16.

Clause 18 [*17*] (*8*):—We consider that the limit of time prescribed for the submission of minutes, proceedings and resolutions is too short and have raised it to five days.

Clause 19 [*18*]:—We have substituted this clause as being more comprehensive than the original clause.

Clause 21 [*20*]:—We consider that any officer of the Government authorised by the Deputy Commissioner may also have power to attend meetings of the municipal councils and address them and have inserted the words "or by the Deputy Commissioner" after the words "by the Government."

Clause 23 [*22*] (*2*):—We consider that expenditure on public receptions, etc., should be incurred only after approval by one-half of the whole number of councillors at a general meeting and have suitably amended the clause.

Clause 25:—This clause has been newly inserted by us after the existing clause 23 to provide for contracts by officers of Government for execution of works on behalf of municipal councils.

Clause 31 [*29*]:—Consequent on the amendment of the existing clause 18, this clause has been suitably re-cast and the liability of the officers of the municipality due to their misconduct has been made similar to that of the members.

Clause 34 [*32*](3):—We have replaced the words "delegated by the Government to" by the words "conferred by the Government on" as being more appropriate.

Clause 38:—This clause has been newly inserted after the existing clause 35 in order to provide for the agency for execution of public works.

Clause 39 [*36*]:—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted; and the work should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly, we have inserted the words "after consulting the municipal council" after the words "at any time" in sub-clause (1)

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

We the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill.

NOTE.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4 (4):—We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Clause 6 (2):—We have substituted the words "in its corporate name," for the words "through the President."

Clause 6 (3):—We decided that the elected element in the composition of minor municipal councils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substituted.

Clause 9 (1) and (2):—We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Clause 9 (3):—This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Clause 10 (4):—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 10 (7):—We considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidance is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (b) the words "two months" are substituted.

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

Section

File No.

Serial No.

Diary No. of letter replied to .....

No

To

Notification.

Under Standing Order 14 of the Standing Orders for the Conduct of Business of the Mysore Legislative Council the following Report of the Select Committee on the Mysore Cities Municipalities Bill is published for general information with the Clauses of the Bill which have undergone substantial changes.

By order,

Ex-Officio Secy
Legl Dept

General and Revenue Secretariat

( )

the *193* .

Date of issue .....

Signed by .....

List of enclosures .....

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12/11/82

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Office of the Secretary,
Mysore Legislative Council,
Bangalore, Dated 8th November 1932

No. AL 2770/L.C
Ex: Sec only

NOTIFICATION

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Mysore Minor Municipalities Bill is published for general information with the clauses of the Bill which have undergone substantial changes.

By Order,

Secretary,
Mysore Legislative Council.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Mysore Gazette dated 17th November 1932 in English and Kannada and for the printing and supplying of 200 English and 50 Kannada copies to this Office.

Draft.

Sd. by Mr. C. Subramanya Aiyar

*Copy sent to Transl. Secn. No. AL 2771/Ex: Secy/L.C 8/11/32

NSP/3

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

~~DRAFT~~ REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

We the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill.

NOTE.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4 (4):—We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Clause 6 (2):—We have substituted the words "in its corporate name," for the words "through the President."

Clause 6 (3):—We decided that the elected element in the composition of minor municipal councils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substituted.

Clause 9 (1) and (2):—We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Clause 9 (3):—This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Clause 10 (4):—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 10 (7):—We considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidance is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (b) the words "two months" are substituted.

Cluase 10 (8);—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted and further necessary verbal changes are made.

Cluase 10 (9);—We have added this sub-clause after the existing sub-clause (8) to provide for vacation of office by a vice-president on becoming president.

Cluase 13;—We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. The clause has been suitably amended and the omission to provide for the vacation of office of vice-president by a vice-president has been supplied.

Clause 17.—We consider it expedient that civil courts should not entertain any suits in respect of appointment, election or removal of councillors, presidents and vice-presidents unless they are specially empowered in the Regulation or the rules thereunder and we have inserted a new clause for this purpose after the existing clause 16.

Clause 18 [*17*] (*8*):—We consider that the limit of time prescribed for the submission of minutes, proceedings and resolutions is too short and have raised it to five days.

Clause 19 [*18*]:—We have substituted this clause as being more comprehensive than the original clause.

Clause 21 [*20*]:—We consider that any officer of the Government authorised by the Deputy Commissioner may also have power to attend meetings of the municipal councils and address them and have inserted the words "or by the Deputy Commissioner" after the words "by the Government."

Clause 23 [*22*] (*2*):—We consider that expenditure on public receptions, etc., should be incurred only after approval by one-half of the whole number of councillors at a general meeting and have suitably amended the clause.

Clause 25:—This clause has been newly inserted by us after the existing clause 23 to provide for contracts by officers of Government for execution of works on behalf of municipal councils.

Clause 31 [*29*]:—Consequent on the amendment of the existing clause 18, this clause has been suitably re-cast and the liability of the officers of the municipality due to their misconduct has been made similar to that of the members.

Clause 34 [*32*](3): —We have replaced the words "delegated by the Government to" by the words "conferred by the Government on" as being more appropriate.

Clause 38:—This clause has been newly inserted after the existing clause 35 in order to provide for the agency for execution of public works.

Clause 39 [*36*]:—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the work should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly, we have inserted the words "after consulting the municipal council" after the words "at any time" in sub-clause (1).

and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Clause 40 [*37*] (*1*):—The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Clause 41:—We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Clause 42 [*38*]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [*42*] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

Clause 50 [*46*].—We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Clause 53 [*49* (*1*)].—We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably.

Clause 54.—A new clause has been inserted for providing for the passing of the municipal accounts at the meetings of the Municipal Council.

Clause 55 [(*49*) (*2*).]—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [*54*].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Clauses 72 [*67*] *Proviso* (*c*).—We have inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

Clause 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest,

and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (89).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [99] (2) (f).—This para has been newly inserted by us after the existing para (r) as we consider that ~~the~~ the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [101].—We consider that the Government may confer the powers of the Deputy or Assistant Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

—t—

(sd) K. Mattham (Chairman)
N. Mathura Rao
R. Ranga Rao
K. R. Srinivasa Iyengar
K. V. Anantanandu
A. R. Nageswara Iyer
J. V. Karne
A. Abdur Rahman
K. Chengalaraya Reddy
(8)
(8)
(+)
(+)
(+)

(2) Mr. S. Rajagopalachari was unable to be present at the Meeting and his N. Madhava Rao's observations could not be taken as he is not in the station

Ch.
Pers. Office Seen
Q.A + K.C

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the select committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE MINOR MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 19..... **Short title.**

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of.....

* * *

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) * * *

(2) * * *

(3) * * *

(4) *When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.* ***Naming of municipalities comprising two or more places.***

5. * * *

6. (1) * * *

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued [through the president] *in its corporate name.* **Incorporation of municipal councils.**

3. (*a*) * * * **Constitution of municipal councils,**

c/

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than [one-half] *two-thirds* of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) * * *

(*d*) * * *

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the " [one-half] *two-thirds* of the number " mentioned in clause (*b*) shall be exclusive of such president.

(4) * * *

* * *

[Disqualification of councillors.]

[9. (1) No person may become a councillor if—

(*a*) he is a subordinate officer or servant of a municipal council ; or

(*b*) he has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19...., or under section 14 of the Mysore City Municipalities Regulation, 19— , or

(*c*) he has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned ; or

(*d*) he is adjudicated an insolvent ; or

(*e*) he has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure, 1904.

Provided that

(*a*) the disqualification under clause (*e*) will cease to operate after the expiry of the period during which a person is ordered to furnish security; and

(*b*) the disqualifications under clauses (*b*) and (*c*) will cease to operate after the expiry of three years from the date of such removal or sentence, or earlier by an order of the Government.]

[(2) If any person, elected or appointed—

(*a*) is or becomes subject to any of the disqualifications mentioned is sub-section (1), or

(*b*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the council, except with the leave of the council, or

(*c*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf is served upon him,

his seat shall be deemed to be vacant.]

9. (1) *No person may be a councillor—*

General disqualifications for becoming a councillor.

(a) (i) *who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or*

(ii) *against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or*

(iii) *who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19... , or under section 14 of the Mysore City Municipalities Regulation, 19...., or*

(b) *who is an undischarged insolvent,*

and no person

(c) *who is a subordinate officer or servant of a municipal council, or*

(d) *who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,*

may be a member of such municipal council.

Provided that—

(a) *the disqualification in sub-clause (ii) of clause (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;*

(b) *the disqualification in sub-clauses, (i) and (iii) of clause (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;*

(c) *the disqualification under clause (d) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.*

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) *If any councillor during the term for which he has been elected or appointed —*

Disabilities from continuing a councillor.

(a) *becomes subject to any disqualification specified in clauses (a), (b) and (c) of sub-section (1), or*

(b) *acquires any such share or interest as is specified in clause (d) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or*

(c) *not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or*

(d) *fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him, he shall be disabled from continuing to be a councillor and his office shall become vacant.*

(3) *A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.*

(4) [(3)] * * *
* * * *

10. (1) * * *
(2) * * *
(3) * * *

Vice president to be elected [except in special cases.]

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

(5) * * *
(6) * * *

Vacation of office by president and vice-president for want of confidence.

(7) Every president [or] other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council [except an official President appointed *ex-officio* or by name] shall forthwith be deemed to have vacated his office

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than [one month] *two months* and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

[(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

Vacation of office by vice-president on becoming president.

(9) *If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.*

(10) [(9)] * * *
* * *
* * *

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his [office] *membership and a vice-president may resign his office as vice-president* by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. [The president may resign his office as coucillor or as president by giving a notice in writing to that effect to the Deputy Commissioner. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.]

The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

* * *

16. * * *

Bar of suits relating to elections, etc.

17. *No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.*

18. [17] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *
(7) * * *

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within [two] *five days* from the date of the meeting.

Committees.

19 [*18*]. *Subject to such rules as may be prescribed in this behalf, the municipal council may* [appoint committees to exercise and perform any of its powers and duties] *constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.*

20. [19.] * * *

Certain officers entitled to attend and speak at meetings of municipal council.

21. [20.] Any officer of the Government authorised by the Government *or by the Deputy Commissioner* in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

* * *

CHAPTER III.

FUNCTIONS AND LIABILITIES.

Obligatory duties.

23. [22.] (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

* * *

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) *by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and* with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) * * *

(*c*) * * *

(3) * * *

Power of municipal council to acquire and hold property and to contract.

24. [23.] * * *

Contracts by officers appointed by Government to execute municipal works and payment for such works.

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

* * *

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. [29] (1) Except as [is] herein otherwise provided, [in this regulation,] no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council; [in exercise of the powers vested in him under the provisions of this Regulation;] the municipal fund [at the disposal of the municipal council] shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors, for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, [and any] *the* vice-president, *or other officer or person* to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall [also] be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect *or has been caused or facilitated by his misconduct.*

* * *

CHAPTER IV.

CONTROL.

34. [32.] (1) * * *

(2) * * *

Chief controlling authority.

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be [delegated by the Government to] *conferred by the Government on* any officer subordinate to it.

* * * *

37. [35] (1) * * *

(2) * * *

(3) * * *

Power to provide for the performance of duties or works in case of default or in case of emergency.

38. (1) *Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.*

Agency for execution of public works.

(2) *All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.*

(3) *When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.*

(4) *If the amount due to the Government under sub-section* (3) *is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

39. [36]. (1) Notwithstanding anything contained in this Regulation, the Government may at any time *after consulting the municipal council.*

Special provisions in regard to works executed by the Government.

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health *or* safety [or convenience] of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal council, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with intererest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) * * *

40. [37] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint [from not less than one-half of the rate-payers in a municipality] against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder. Government inquiry into municipal matters.

[*Explanation.*—For the purposes of this section, the word "rate-payers" means persons assessed to taxes specified in clause, (*b*) to (*g*) of sub-section (1) of section 55.]

(2) * * *
(3) * * *
(4) * * *

41. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.* *Power of Government to direct person in custody of municipal fund to pay Government dues.*

[38. If in the opinion of the Government, a municipal council is not competent to perform, or presistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official gazette, declare the municipal council to be dissolved or superseded as it deems fit. [Dissolution or supersession of municipal council and appointment of Commissioner or Commissioners to exercise the powers of the municipal council.]

(2) On the dissolution or supersession of a municipal council, all councillors of the municipal council shall from the date specified in the notification, vacate their seats and in place of the municipal council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determines and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the municipal council and the president under this Regulation.

(3) All properties, assets, rights and liabilities of the municipal council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

(4) If, after enquiry made, the Government so directs, the period of dissolution or supersession with all the consequences as aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.]

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

42. (1) *If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.*

Consequences of exercise of such power.

(2) *When the municipal council is so dissolved or superseded, the following consequences shall ensue:—*

(*a*) *all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors;*

(*b*) *all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;*

(*c*) *all property vested in the municipal council shall during the period between dissolution and reconstitution or of supersession, vest in the Government;*

(3) *After the issue of an order under sub-section* (1), *the municipal council shall by the election or appointment of councillors be reconstituted—*

(*i*) *in the case of dissolution on the date speeified in the order, or*

(*ii*) *in the case of supersession, on the date specified in the order under sub-secton* (1) *or sub-section* (4) *as the case may be.*

Power after enquiry to continue period of supersession.

(4) *If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.*

* * * * *

CHAPTER V.

PROPERTY AND FINANCE.

Property vested in the municipal council.

46. [42.] (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation:—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, [and public buildings of every description,]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along side or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials and implements provided for such streets.

(2) * * * *
* * * * *

[Application of municipal fund.]

[46. The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in section 22, to all other purposes for which, by or under this regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.]

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests. *Application of municipal fund and property.*

* * *

[49 (1) The municipal council shall maintain accounts of the municipal fund in such forms as the Government may from time to time prescribe in this behalf.] [Maintenance and audit of accounts.]

53 (1) *Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.* *Maintenance of accounts and restrictions on expenditure.*

(2) Expenditure from the municipal fund shall save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

54. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year. *Presentation of accounts.*

55. [49. (2)] The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed by the Government. Audit of accounts.

* * *

60. [54] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.* Recovery of amount surcharged.

CHAPTER VI.

Bar of other Proceedings.

TAXATION AND RECOVERY OF DUES.

* * *

66. [60] * * *

[61. The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force for a lump sum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned.] [Compounding for payment of octroi.]

* * *

72. [67] * * *

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, *and*

(*c*) *the Government may at any time cancel or modify any requisition made by it under this sub-section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.*

Special powers of Government, with regard to taxations.

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

* * *

79 [74] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *

Control of erection of buildings.

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Power of Government to prohibit the erection of buildings in certain area without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

93. [87] * * *

* * *

94. Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

Penalty for building in contravention of section 80.

95 [88] * * * *

96. [89] If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall, [be deemed to have committed an offence under section 168 of the Indian Penal Code.] *On conviction before a magistrate be punished with fine which may extend to two hunderd rupees.*

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

* * *

CHAPTER VIII.

MISCELLANEOUS.

* * * *

106 [99] (1). The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *
(*e*) * * *
(*f*) * * *
(*g*) * * *
(*h*) * * *
(*i*) * * *
(*j*) * * *
(*k*) * * *
(*l*) * * *
(*m*) * * *
(*n*) * * *
(*o*) * * *
(*p*) * * *
(*q*) * * *
(*r*) * * *

(*s*) *for the regulation of all matters connected with the grant of permission under section 80*;

(*t*) [(*s*)] * * *
(*u*) [(*t*)] * * *
(3) * * *
* * *

108. [101.] The Government may, *subject to such conditions and restrictions as may be prescribed*, confer on the holder of any alienated village which is constituted as a municipality under this Regulation *or on the agent of such holder*, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or the their agents powers of an Assistant Commissioner or a Deputy Commissioner.

NOTIFICATION.

No. Rl. 2770—*L. C., Bangalore, dated* 14*th November* 1932.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Mysore Minor Municipalities Bill is published for general information with the clauses of the Bill which have undergone substantial changes.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE MINOR MUNICIPALITIES BILL.

We, the undersigned members of the Select Committee to which the Minor Municipalities Bill was referred, have considered the Bill at the meeting held on the 31st October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal have been indicated in the Bill annexed hereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if the clauses of the Bill which have undergone substantial changes are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the Bill:—

NOTE.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4 (4):—We have added this sub-clause to supply the omission in the Bill to provide for the naming of minor municipalities comprising two or more local areas.

Clause 6 (2):—We have substituted the words "in its corporate name," for the words "through the President."

Clause 6 (3):—We decided that the elected element in the composition of minor municipal councils should not be less than two-thirds. Accordingly, for the words "one-half" where they occur for the first time in para (b) and for the same words in para (e) of the sub-clause, the words "two-thirds" are substituted.

Clause 9 (1) and (2):—We consider that a person having a share or interest in any municipal work or in any contract or employment with or under or by or on behalf of a municipal council should not become or continue to be a municipal councillor in the municipality concerned unless he has obtained the written permission of the Deputy Commissioner for becoming a councillor or for the acquisition of such share or interest. We also consider that the municipal council should not have power to grant leave exceeding six successive months and have modified the sub-clauses accordingly.

Clause 9 (3):—This sub-clause has been newly added to make it clear that a councillor will be eligible for re-election or re-appointment when the disability has ceased.

Clause 10 (4):—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 10 (7):—We considered that the minimum period of one month prescribed in para (b) of the sub-clause for passing a second resolution of no-confidence is too short and that it should be raised to two months. Accordingly, for the words "one month" in para (b), the words "two months" are substituted.

Clause 10 (8):—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted and further necessary verbal changes are made.

Clause 10 (9):—We have added this sub-clause after the existing sub-clause (8) to provide for vacation of office by a vice-president on becoming president.

Clause 13:—We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. The clause has been suitably amended and the omission to provide for the vacation of office of vice-president by a vice-president has been supplied.

Clause 17.—We consider it expedient that civil courts should not entertain any suits in respect of appointment, election or removal of councillors, presidents and vice-presidents unless they are specially empowered in the Regulation or the rules thereunder and we have inserted a new clause for this purpose after the existing clause 16.

Clause 18 [17] (8):—We consider that the limit of time prescribed for the submission of minutes, proceedings and resolutions is too short and have raised it to five days.

Clause 19 [18]:—We have substituted this clause as being more comprehensive than the original clause.

Clause 21 [20]:—We consider that any officer of the Government authorised by the Deputy Commissioner may also have power to attend meetings of the municipal councils and address them and have inserted the words "or by the Deputy Commissioner" after the words "by the Government."

Clause 23 [22] (2):—We consider that expenditure on public receptions, etc., should be incurred only after approval by one-half of the whole number of councillors at a general meeting and have suitably amended the clause.

Clause 25:—This clause has been newly inserted by us after the existing clause 23 to provide for contracts by officers of Government for execution of works on behalf of municipal councils.

Clause 31 [29]:—Consequent on the amendment of the existing clause 18, this clause has been suitably re-cast and the liability of the officers of the municipality due to their misconduct has been made similar to that of the members.

Clause 34 [32](3):—We have replaced the words "delegated by the Government to" by the words "conferred by the Government on" as being more appropriate.

Clause 38:—This clause has been newly inserted after the existing clause 35 in order to provide for the agency for execution of public works.

Clause 39 [36]:—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly, we have inserted the words "after consulting the municipal council" after the words "at any time" in sub-clause (1) and deleted the words "or convenience" in para (a) thereof, inserting the word 'or' before the word "safety."

Clause 40 [37] (*1*):—The words "from not less than one-half of the rate-payers in a municipality" and the explanation to the clause are omitted as unnecessary.

Clause 41:—We consider that in case of default by a municipal council to pay its dues to the Government, the Government should have power to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge and this clause has accordingly been newly inserted by us after the existing clause 37.

Clause 42 [38]:—We have recast the clause and adopted the wording in the Town Municipalities Bill for the sake of uniformity.

Clause 46 [42] (*1*):—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipal council is concerned. Accordingly, the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (e).

Clause 50 [46].—We consider that the directions in this clause in respect of the application of the Municipal fund should be applicable to municipal property also and have recast the clause accordingly.

Clause 53 [*49* (*1*)].—We consider that specific provision should be made for regulating expenditure in accordance with the prescribed rules and have recast the clause suitably.

Clause 54.—A new clause has been inserted for providing for the passing of the municipal accounts at the meetings of the municipal council.

Clause 55 [(*49*) (*2*)].—This has been converted into an independent clause with slight verbal alteration and placed after clause 54 newly inserted by us.

Clause 60 [54].—We consider that it will be more convenient and expeditious to recover the amounts surcharged through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the court," the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund," are substituted.

Clause [*61*].—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted.

Clause 72 [*67*] *Proviso* (*c*).—We have inserted a new para to the proviso in order to provide for cancellation or modification of requisitions made by the Government for imposing a new tax or enhancing the rates of taxes.

Clauses 80 and 94.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest, and that penalty should also be provided for infringement of such prohibitory order. Two new clauses have been inserted after the existing clauses 74 and 87.

Clause 96 (*89*).—We consider that the punishment under this clause should not exceed a fine of Rs. 200.

Clause 106 [*99*] (*2*) (*s*).—This para has been newly inserted by us after the existing para (r) as we consider that the Government should have the power to make rules in respect of all matters connected with the grant of permission under clause 80 which we have newly inserted.

Clause 108 [*101*].—We consider that the Government may confer the powers of the Deputy or Assistant

Commissioners on agents of holders of alienated villages also and that the exercise of the powers by the holders of such villages or their agents should be subject to such conditions and restrictions as may be prescribed by the Government in that behalf and we have revised the clause accordingly.

(Sd.) K. Matthan (*Chairman*).
,, N. Madhava Rao.
,, R. Ranga Rao.
,, J. V. Karve.
,, K. V. Anantaraman.
,, A. R. Nageswara Iyer.
,, K. R. Srinivasa Iyengar.
,, H. C. Dasappa.
,, K. Chengalaraya Reddy.
,, B. Abdur Rahmon.
,, D. H. Chandrasekharaiya.
* * *†
* * *‡

† Mr. P. Subbarama Chetty, the other member of the Committee, has not yet returned the report with approval.

‡ Mr. S. P. Rajagopalachari, the other member of the Committee, was unable to be present at the meeting.

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the Select Committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE MINOR MUNICIPALITIES BILL.

A BILL TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore, it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 19 . . . Short title

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of .....

* * *

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

4. (1) * * *

(2) * * *

(3) * * *

Naming of municipalities comprising two or more places.

(4) *When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.*

5. * * *

6. (1) * * *

Incorporation of municipal councils.

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued [through the president] *in its corporate name.*

Constitution of municipal councils.

(3) (*a*) * * *

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than [one-half] *two-thirds* of the number of c uncillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) * * *

(*d*) * * *

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the " [one-half] *two-thirds* of the number " mentioned in clause (*b*) shall be exclusive of such president.

(4) * * *

* * *

[Disqualification of councillors.]

[9. (1) No person may become a councillor if—

(*a*) he is a subordinate officer or servant of a municipal council ; or

(*b*) he has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19. . . . , or under section 14 of the Mysore City Municipalities Regulation, 19— ; or

(*c*) he has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or the offence pardoned ; or]

(*d*) he is adjudicated an insolvent ; or

(*e*) he has been ordered to find security for good behaviour under section 118 of the Code of Criminal Procedure, 1904.

Provided that—

(*a*) the disqualification under clause (*e*) will cease to operate after the expiry of the period during which a person is ordered to furnish security; and

(*b*) the disqualifications under clauses (*b*) and (*c*) will cease to operate after the expiry of three years from the date of such removal or sentence, or earlier by an order of the Government.]

[(*2*) If any person, elected or appointed—

(*a*) is or becomes subject to any of the disqualifications mentioned in sub-section (1), or

(*b*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the council, except with the leave of the council, or

(*c*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf is served upon him,

his seat shall be deemed to be vacant.]

General disqualifications for becoming a councillor.

9. (*1*) *No person may be a councillor—*

(a) (i) *who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or*

(ii) *against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or*

(iii) *who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 19... , or under section 14 of the Mysore City Municipalities Regulation, 19...., or*

(b) *who is an undischarged insolvent,*

and no person—

(c) *who is a subordinate officer or servant of a municipal council, or*

(d) *who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,*
may be a member of such municipal council.

Provided that—

(a) *the disqualification in sub-clause (ii) of clause (a) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;*

(b) *the disqualification in sub-clauses, (i) and (iii) of clause (a) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;*

(c) *the disqualification under clause (d) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.*

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) *If any councillor during the term for which he has been elected or appointed —*

(a) *becomes subject to any disqualification specified in clauses (a), (b) and (c) of sub-section (1), or*

(b) *acquires any such share or interest as is specified in clause (d) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated, or*

(c) *not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or*

(d) *fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him.*

he shall be disabled from continuing to be a councillor and his office shall become vacant.

(3) *A councillor whose office has become vacant under sub-section* (2) *shall, if his disability has ceased, be eligible for re-election or re-appointment.*

(4) [(3)] * * *
* * * *

10. (1) * * *
(2) * * *
(3) * * *

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Vice president to be elected [except in special cases.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

(5) * * *
(6) * * *

(7) Every president [or] *other than a salaried servant of the Government appointed* ex-officio *or by name as president and every* vice-president of a municipal council [except an official president appointed *ex-officio* or by name] shall forthwith be deemed to have vacated his office

Vacation of office by president and vice-president for want of confidence.

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than [one month] *two months* and not more than four months from each other.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Removal of presidents and vice-presidents.

Explanation.—A person may be presumed to be unable to pay his debts, if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

[(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

Vacation of office by vice-president on becoming president.

(9) *If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.*

(10) [(9)] * * *
* * *
* * *

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his [office] *membership and a vice-president may resign his office as vice-president* by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. [The president may resign his office as councillor or as president by giving a notice in writing to that effect to the Deputy Commissioner. If such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.]

The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

* * *

16. * * *

Bar of suits relating to elections, etc.

17. *No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.*

18. [17] (1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *
(7) * * *

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within [two] *five days* from the date of the meeting.

Committees.

19 [*18*]. Subject to such rules as may be prescribed in this behalf, the municipal council may [appoint committees to exercise and perform any of its powers and duties] *constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.*

20. [19.] * * *

Certain officers entitled to attend and speak at meetings of municipal council.

21. [20.] Any officer of the Government authorised by the Government *or by the Deputy Commissioner* in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

* * *

CHAPTER III.

FUNCTIONS AND LIABILITIES.

Obligatory duties.

23. [22.] (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely:—

* * *

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) *by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and* with the previous sanction of the Deputy Commissioner,

any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) * * *

(*c*) * * *

(3) * * *

24. [23.] * * *

Power of municipal council to acquire and hold property and to contract.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

* * *

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. [29] (1) Except as [is] *herein* otherwise provided, [in this regulation,] no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council; [in exercise of the powers vested in him under the provisions of this Regulation;] the municipal fund [at the disposal of the municipal council] shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors, for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, [and any] *the* vice-president, *or other officer or person* to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall [also] be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect *or has been caused or facilitated by his misconduct.*

* * *

CHAPTER IV.

CONTROL.

34. [32.] (1) * *

(2) * * *

Chief controlling authority

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be [delegated by the Government to] *conferred by the Government on* any officer subordinate to it.

* * *

37. [35] (1) * * *

(2) * * *

(3) * * *

Power to provide for the performance of duties or works in case of default or in case of emergency.

38. (1) *Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.*

Agency for execution of public works.

(2) *All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.*

(3) *When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.*

(4) *If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order,*

Special provisions in regard to works executed by the Government.

39. [36]. (1) Notwithstanding anything contained in this Regulation, the Government may at any time *after consulting the municipal council*

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health *or* safety [or convenience] of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal council, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) * * *

Government inquiry into municipal matters.

40. [37] (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint [from not less than one-half of the rate-payers in a municipality] against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder.

[*Explanation.*—For the purposes of this section, the word "rate-payers" means persons assessed to taxes specified in clauses, (*b*) to (*g*) of sub-section (1) of section 55.]

(2) * * *

(3) * * *

(4) * * *

Power of Government to direct person in custody of municipal fund to pay Government dues.

41. *If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.*

[38. If in the opinion of the Government, a municipal council is not competent to perform, or persistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official gazette, declare the municipal council to be dissolved or superseded as it deems fit.

[Dissolution or supersession of municipal council and appointment of Commissioner or Commissioners to exercise the powers of the municipal council.]

(2) On the dissolution or supersession of a municipal council, all councillors of the municipal council shall from the date specified in the notification, vacate their seats and in place of the municipal council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determines and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the municipal council and the president under this Regulation.

(3) All properties, assets, rights and liabilities of the municipal council existing at the time of their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

(4) If, after enquiry made, the Government so directs, the period of dissolution or supersession with all the consequences as aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.]

42. (1) *If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.*

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

(2) *When the municipal council is so dissolved or superseded, the following consequences shall ensue:—*

Consequences of exercise of such power.

(*a*) *all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from*

the date of the order of supersession, vacate their offices as such councillors;

(b) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;

(c) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government;

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

Power after enquiry to sontinue ceriod of upersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

* * * * *

CHAPTER V.

PROPERTY AND FINANCE.

Property vested in the municipal council.

46. [42.] (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation:—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts, [and public buildings of every description,]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, along side or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

(2) * * * *

* * * * *

[Application of municipal fund.]

[46. The municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in section 22, to all other purposes for which, by or under this regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, to any other purpose whereon the expenditure of the municipal fund is in the public interests.]

Application of municipal fund and property.

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

* * *

[Maintenance and audit of accounts.]

[49 (1) The municipal council shall maintain accounts of the municipal fund in such forms as the Government may from time to time prescribe in this behalf.]

Maintenance of accounts and restrictions on expenditure.

53. (1) *Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.*

(2) *Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.*

Presentation of accounts.

54. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

55. [49. (2)] The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed by the Government.

* * *

Recovery of amount surcharged.

60. [54] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] *by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.*

CHAPTER VI.

TAXATION AND RECOVERY OF DUES.

Bar of other Proceedings.

* * *

66. [60] * * *

[61. The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force for a lumpsum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall however be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned.]

[Compounding for payment of octroi.]

* * *

72. [67] * * *

Provided that—

Special powers of Government with regard to taxations.

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, *and*

the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

* * *

79 [74] (1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

Control of erection of buildings.

Power of Government to prohibit the erection of buildings in certain area without permission.

80. (1) *Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;*

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

93. [87] * * *
* * *

Penalty for binuilding contravention of section 80.

94. *Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.*

95 [88] * * * *

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

96. [89] If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall [be deemed to have committed an offence under section 168 of the Indian Penal Code.] *on conviction before a magistrate be punished with fine which may extend to two hundred rupees.*

* * *

CHAPTER VIII.

MISCELLANEOUS.

* * * *

Power of Government to make rules and orders.

106 [99] (1). The Government may make rules or orders generally for the purpose of carrying into effect the

provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *
(*e*) * * *
(*f*) * * *
(*g*) * * *
(*h*) * * *
(*i*) * * *
(*j*) * * *
(*k*) * * *
(*l*) * * *
(*m*) * * *
(*n*) * * *
(*o*) * * *
(*p*) * * *
(*q*) * * *
(*r*) * * *
(*s*) *for the regulation of all matters connected with the grant of permission under section 80*;
(*t*) [(*s*)] * * *
(*u*) [(*t*)] * * *
(3) * * *
* * *

108. [101.] The Government may, *subject to such conditions and restrictions as may be prescribed*, confer on the holder of any alienated village which is constituted as a municipality under this Regulation *or on the agent of such holder*, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

Power of Government to confer on the holders of alienated villages or their agents powers of an Assistant Commissioner or a Deputy Commissioner.

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. P. 3067/—

To P. Subbarama Chetty Esq,
Member, Legislative Council

General and Revenue Secretariat

( )

the 193

Sir,

I am directed to invite reference to this office letter No P 2593-603 of 5.11.32 forwarding for your approval and return the draft Report of the S.C on the Town Municipalities Bill and to request that since all the Non Members have returned their accounts to the Report and the Bill has been published in the Gazette you may intimate your consent earlier to that

Date of issue 2nd Decr 1932

Signed by M. L. S. Iyer

List of enclosures .....

Copied by .....

Examined by .....

The fact may be published at least in the Capital next week

I have etc

[illegible] to the S.C

Done
12/2/22

Section Legis
File No. 62-3
Serial No. 3

Diary No. of letter replied to .....

No. Pol. 679 E/2

To The Secretary to
the Hon'ble the President

General and Revenue Secretariat

( )

the 193

Sir,

I am directed to invite
reference to para 2 of your
letter No 3899 of 11.6.1932
on the Kerala Municipalities
Bill and to state that
at the meeting of the Legis
al held on 15.12.1932, the
Report of the S.C. to
which the Bill had been
referred and the Bill as
amended by them were
considered and in view of the
motion to pass the Bill
at a subsequent meeting

Date of issue 18-1-33

Signed by Jas R. R.

List of enclosures .....

Copied by .....

Examined by .....

107

from it was passed.

I am to enclose herewith two copies of the Bill as amended and approved and request the consent of the Govt. of India to the passing of the Bill into law may kindly be obtained and communicated

I have etc

[illegible]

[illegible]
2/1

16th January 1933.

R. Ranga Rao, Esq., B.A., B.L.,
General-

I am directed to invite reference to para 2 of your letter No.3899 dated 11th June 1932 regarding the Mysore Minor Municipalities Bill and to state that at the meeting of the Legislative Council held on 15th December 1932, the Report of the Select Committee to which the Bill had been referred and the Bill as amended by them were considered and adopted and the motion to pass the Bill at a subsequent meeting of the Council was passed.

I enclose herewith two copies of the Bill as amended and approved and request that the consent of the Government of India to the passing of the Bill into law may kindly be obtained and communicated.

I have the honour to be,

Sir,

Your most obedient servant,

17/1/33.

General Secretary to Government.

Letter No. 4101/204/1932, dated 1st June 1933, from the Secretary to the Hon'ble the Resident in Mysore, to the Chief Secretary to Government, Bangalore.

Subject.

Mysore City / Town / Minor Municipalities Bill.

I am directed to refer to the correspondence ending with Mr. Madhava Rao's letter No.Pol.707/Legis. 63-31-3 / Mr. Madhava Rao's letter No.Pol.708/Legis.63-31-4 / your letter No. Pol. 679/ L e g i s. 62-31-3, dated the 27th / the 27th / the 28th January 1933, on the above subject, and to say that the Governor General in Council is pleased to accord his consent to the Bills on the understanding that he retains over them the power and authority vested in him by vitue of Article 18 of the Treaty dated the 26th November, 1913.

C O P Y.

To the Resident in Mysore, Bangalore, by designation and not by name.

No. 4101
204/1932.

15

FROM

Major G. Kirkbride, I.A.,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Dated, Bangalore, the 18th. June *1933*.

Subject.

Mysore City / Town / Minor Municipalities Bill.

SIR,

I am directed to refer to the correspondence ending with Mr. Madhava Rao's letter No. Pol.707/Legis.63-31-3, dated the 27th Mr. Madhava Rao's letter No. Pol.708/Legis.63-31-4, dated the 27th your letter No. Pol. 679 / Legis. 62-31-3, dated the 18th January, 1933, on the above subject, and to say that the Governor-General in Council is pleased to accord his consent to the Bills on the understanding that he retains over them the power and authority vested in him by virtue of Article 18 of the Treaty dated the 26th November, 1913.

I have the honour to be,
Sir,
Your most obedient servant,

Major,
Secretary to the Resident.

ASB
1 6/33

ASB

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Order No. P. 264 Legis 62-31-4 Dated Bangalore, 14/7/1933

Ordered that the accompanying Mysore Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933 be published as Regulation No. IX of 1933, in the Mysore Gazette for general information.

Secretary to Government,
~~Local and Legislative Departments.~~

To--The Compiler, Mysore Gazette, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders. ~~Proofs should be sent to this office for approval before publication.~~ The Govt. Book Depot may, however, be intimated to 500 in English and 250 in Kannada.

copy to Translation section

Sy

D23

Proceedings of the Government of His Highness
the Maharaja of Mysore.

ORDER NO. D. 264 (Emp PP/-52 Leg 62-31-4

Dated, Bangalore, the 14th July 1933.

Ordered that the accompanying, Minor Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933 be published as Regulation No.IX of 1933 in the Mysore Gazette for general information.

For General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders. The number of copies supplied to the Government Book Depot may, however, be increased to 500 in English and 250 in Kannada.

K.M.R.3/14-7.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Order No. P·294 / Legis 62-31-5 Dated Bangalore, 17/7/ 1933

Ordered that the accompanying Mysore Town Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933 be published as Regulation No. VIII of 1933, in the Mysore Gazette for general information.

Secretary to Government,
~~Local and Legislative~~ Departments.

To—The Compiler, Mysore Gazette, for publication in Part III of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders. ~~Proofs should be sent to this office for approval before publication~~. The no of copies supplied to the Govt Book Depot may however be increased to 400 in Eng & 250 in Kannada

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D23

THE MAHARAJA OF MYSORE

~~Read:~~

ORDER No. P. 294 / Leg's 62-31-5

Dated Bangalore the 17th July 1933.

Ordered that the accompanying Mysore Town Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933 be published as Regulation No.VIII of 1933, in the Mysore Gazette for general information.

for General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part III - - of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders. The number of copies supplied to the Government Book Depot may however be increased to 400 in English and 250 in Kannada.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Order No. P.295 Legis 62-31-6 Dated Bangalore, 17/7/ 1933

Ordered that the accompanying Mysore City Municipalities

Reg 2 which received the assent of His Highness the Maharaja, on the 28th day of June 1933 be published as Regulation No. VII of 1933, in the Mysore Gazette for general information.

G.C.

Secretary to Government,
~~Local and Legislative~~ Departments.
Genl

To--The Compiler, Mysore Gazette, for publication in Part III of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders. ~~Proofs should be sent to this office for approval before publication.~~ ~~No. of copies supplied to the Govt Book Depot may however be increased to 500 in Eng & 250 in Kannada~~

Copy to Translation Section

D23

THE MAHARAJA OF MYSORE

Read:-
xxxxxx

ORDER No. P 295/Legis 62-31-6

Dated Bangalore the 17th July 1933.

Ordered that the accompanying Mysore City Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933 be published as Regulation No.VII of 1933, in the Mysore Gazette for general information.

General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders.

Copy to Translation Section.

c.n

117

Immediate

No P 296

Encl 2 with proofs

17th July
1933.

Dear Sir,

In forwarding herewith Government Orders publishing Regulations VII and VIII of 1933, I am desired to request you to be so good as to have the same published in the Gazette of this week without fail.

Yours sincerely,

To
B. Srinivasa Iyengar, Esq., B.A.,
Compiler, Mysore Gazette, Bangalore.

K.M.R.2/17-7.

Appendix F G—1]

SUBJECT.....

.....

.....

	Section
	File No.
	Serial No.
ary No. of letter replied to.....	No. P 461 Sec 2
	To
	The Superintendent Govt Printing
General and Revenue Secretariat	
( )	
193 .	Dear Sir,
...on issue 27/7/33	I endorse here with two lists showing certain misprints appearing in the Minor & Town Municipalities Regns and to request that in the extra copies to be printed off the mistakes may be rectified and if in any case the correction is not possible an 'Errata' slips may be printed and attached to the copies at the end. In the latter case
...ied by Sec'y Reg	
of enclosures.....	
ied by.....	
mined by.....	

4/9

100 copies of each of the slips may be sent to this office before to-morrow evening for the use of copies already sent here

yours Sincy

G

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P 55-8/Gen PP1-2

To

The Superintendent
Govt. Printing

General and Revenue Secretariat

( )

the *193* . Gen

Sir,

In continuation of this office No P461 dt 27.7.33, I enclose herewith a list showing certain misprints occurring in the City Municipalities Dept and to request that in the extra copies to be printed off the mistakes may be rectified and if in any case the course is not possible 'Errata' slips may be printed and attached to the copies at the end. In the latter case 100 copies of

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

121

the slips may kindly be
sent to this office before
to-morrow evening for the
use of copies already sent here

yours Bring

Tom
4/8

Serial No.

Errata

The Nyasa City Municipalities Regn

Page No	Section	Line	For	Read
3	3(16)(d)	3	behafe	behalf
7	7(2)	3	Insert the word 'the' between the words 'to' and 'Government'	
10	12(1)(B)(b)	5	or	or
11		5	Insert the word 'the' between the words 'of' and Government	
47	64(b)	6		
1	66 Marginal note	3	IV modifiy	VI modify
53	71	1	Insert a comma at the end of the line	
55	74 (2)	1	Delete the 'comma' appearing after the word 'person'	
60		6	herses	horses
	83(5)	2	Sub-Sectives	Sub. Section
	"	3	Supply	Supply
66	96(3)	3	Cadressed	addressed
91	142 (1)(d)	4	Sufficient	Sufficient
		5	inclosure	enclosure
93	145(1)	4	Insert a comma after the words 'obstruction'	
"	"	17	Insert a comma at the end of the line	
94	146(1)(a)	1	diversion	diversion
96	150 (1)	7	Sreal-	Street-
"	"	8	a such place	at such place
98	154(3) marginal note	2	Offensive	Offensive
100	158 (a)	6	delete the comma appearing after the words 'anything'	
102	164	1	delete the comma appearing at the end of the line	
"	165 (1)		Council	Council
"	"		Insert a comma after each of the words 'shall' and 'direction'	

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

104	170(1)	2	Pharmacopaeia	Pharmacopaeia
112		2	by' he	by the
113	178(5)	1	Insert a comma after 'who'	
		2	Insert a comma after (2) in this line	
122	187 (2)	13	Chapter	Chapter
124		40	Insert a comma after each of the words 'may' and 'time of'	
125		12	aomunt	amount
"	192	8	Chapter	chapter
126	194	1	Insert a comma after the word 'who'	
"	"	2	"	'Council
127		1	Insert a comma at the end	
"	198	4	Chapter	chapter
129	204	2 in marginal note	Accounts	accounts
130	205	1 in marginal note	Division	Revision
131	207(1)	3	appoined	appointed
132	210 (2)	1	Insert a comma after 'may'	
	211	marginal note	Commissioner	Commissioner
135		11	Insert a comma after each of the words 'Government' 'Council'	
137	223 (2)(iii)	5	Insert a comma after the word 'Co	
		6	"	'Time'
138	225	6	"	'admit'
145		1	Insert a comma after the word 'may'	
147	239	1	Chapter	Chapter
157	246	7	expressly	expressly

GENERAL & REVENUE SECRETARIAT

D.O. No P558 Ecc P.P 1-2

No.

Dated, Bangalore 2nd August 2-8-1933.

Dear Sir,

In continuation of this office No.P461 dated 27th July 1933, I enclose herewith a list showing certain misprints appearing in the City Municipalities Regulation and to request that in the extra copies to be printed off the mistakes may be rectified and if in any case the course is not possible "Errata" slips may be printed and attached to the copies at the end. In the latter case 100 copies of the slips may kindly be sent to this office before to-morrow evening for the use of copies already sent here.

Yours sincerely,

To

B. Srinivasa Iyengar, Esq., B.A.,
Ag. Superintendent, Government Printing,
Bangalore.

K.M.R.2/2-8.

The Mysore City Municipalities Regulation.

Errata.

Page.No.	Section.	Line	For.	Read.
3.	3(16)(d)	3	Behaf	behalf.
7.	7 (2)	3	Insert the word "the" between the words 'to' and "Government".	
10	12 (1)(B) (b)	5	Or	Or.
11		5	Insert the word "the" between the words 'of' and Government.	
47	64 (b)	6	IV.	VI.
51.	66 Marginal note.	3	Modifiy.	modify.
53.	71	1	Insert a comma at the end of the line.	
55.	74 (2)	1	Delete the "comma" appearing ~~after the~~ after the word "person".	
60		6	herses	horses.
	83 (5)	2	sub-sections	sub-section
	"	3	supply.	supply.
66	96 (3)	3	addressed	addressed
91	142 (1) (d)	4	suffiicent.	sufficient
		5	inclosure	enclosure
93	145 (1)	4	Insert a comma ~~xxx~~ after the word construction.	
"	"	4	Insert a comma at the end of the line.	
94	146(1)(a)	1	diverson	diversion.
96	150 (1)	7	sreet	street
"	"	8	a such places	at such places
98	154 (3) marginal Note.	2	effensive	offensive
100	158 (a)	6	delete the comma appearing after the word "anything"	
102	164	1	delete the comma appearing at the end of the line.	

Page	Section	Line.	For	Read.
102	165 (1)	1	Council	council
"	" (2)	1	Insert a comma after each of the words "shall" and "direction"	
104	170 (1)	2	Tharmacopaela	Pharmacopoela
112		2	byt he	by the
113	178 (5)	1	Insert a comma after "who"	
		2	Insert a comma after (2) in this line.	
122	187 (2)	13	Chapter	chapter.
124		40	Insert a comma after each of the words "may" and "thereof"	
125		12	aomunt	amount
"	192	8	Chapter	chapter
126	194	1	Insert a comma after the word "who".	
"	"	2	-do-	council.
127		1	Insert a comma at the end.	
"	198	4	Chapter	chapter
129	204	2 in marginal note.	Accounts	accounts.
130	205	1 in marginal note.	Rivision	nevision.
131	207 (1)	3	appoined	appointed
132	210 (2)	1	Insert a comma after "may"	
	211	marginal note.	Commissioner	commissioner
135		11	Insert a comma after each of the words "Government" "council"	
137	[illegible] (2) (iii)	5	Insert a comma after the word "case".	
		6	-do-	'time'
138	225	6	-do-	'admit'
145		1	Insert a comma after the word "may"	
147	239	1	Chapter	chapter
151	246	7	expressely	expressly.

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. Pol. 144 E/2 Packets

To The Secy to the Hon'ble the Resident

General and Revenue Secretariat

( )

the *193* .

Date of issue 11—8—33

Signed by Jas H. V. R.

Sir,

I am directed to forward herewith nine copies of the marginally noted Regns IV to XI of 1933 I have etc

Chief Secy to Gove

1. A Regn to amend the Nyasa Work Mining Workers of Certificate (Repealing) Regn, 1933 - IV of 1933.
2. A Regn to amend the Nyasa Elementary Education Regn, 1930 - V of 1933.
3. A Regn further to amend the Nyasa Co-operative Societies Regn, 1918 - VI of 1933.
4. The Nyasa City Municipal Regn, 1933 - VII of 1933.
5. The Nyasa Town Municipal Regn, 1933 - VIII of 1933.
6. The Nyasa Town Municipal Regn, 1933 - IX of 1933.
7. The Hindu Law (Women's Rights) Regn, 1933 - X of 1933.
8. The Nyasa Copy-right Regn, 1933 - XI of 1933.

List of enclosures.....

Copied by.....

Examined by.....

General and Revenue Secretariat

Dated, Bangalore,.....

No.

From

General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secy to Resident

Sir,

*

I am directed to forward herewith nine copies of the marginally noted Regulations IV to XI of 1933.

I have the honour to be,
Sir,
Your most obedient servant,

*

General Secretary to Government.

1. Workmen's Breach of Contract Act (Repealing) Regulation, 1933 - IV of 1933
2. A Regulation to amend the Mysore Elementary Education Regulation, 1930 - V of 1933
3. A Regulation further to amend the Mysore Co-operative Societies Regulation 1918 - VI of 1933
4. The Mysore City Municipalities Regulation. 1933 - VII of 1933
5. The Mysore Town Municipalities Regulation. - 1933 - VIII of 1933
6. The Mysore Minor Municipalities Regulation. - 1933 - IX of 1933
7. The Hindu Law Womens Rights Regulation 1933 - X of 1933
8. The Mysore Copy-right Regulation - 1933 - XI of 1933

Draft-H

Appendix F G—1]

SUBJECT.....

.....

.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 11/8/33

Signed by [illegible]

Same as in the Residency draft]

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P-725-26/Sec & Repts

To (1) The Secy to the Govt. of H.E.H. the Nizam of Hyderabad in the Land Deptt. (Secrecy)

(2) " of H.H. the Maharaja of Travancore in the Land Deptt.

Sir,

I am directed to forward herewith (1) two copies (2) one copy of each of the marginally noted Regns IV to IX of 1933

I have &c

Genl Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 10th August 1933.

No.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

1) The Secy to Govt of HH the Maharaja of Travancore in the Law Dept.
2) HEH Nizam's Govt

Sir,

I am directed to forward herewith of each of the marginally noted Regulation IV to XI of 1933.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

---

1. Workmen's Breach of Contract Act (Repealing) Regulation, 1933 - IV of 1933
2. A Regulation to amend the Mysore Elementary Education Regulation, 1930 - V of 1933
3. A Regulation further to amend the Mysore Co-operative Societies Regulation 1918 - VI of 1933
4. The Mysore City Municipalities Regulation. 1933 - VII of 1933
5. The Mysore Town Municipalities Regulation. - 1933 - VIII of 1933
6. The Mysore Minor Municipalities Regulation. - 1933 - IX of 1933
7. The Hindu Law Womens Rights Regulation 1933 - X of 1933
8. The Mysore Copy-right Regulation - 1933 - XI of 1933

REGULATION IX OF 1933.

A Regulation to make better provision for the administration of small Municipalities in Mysore.

PRICE 0-3-6.

THE MYSORE MINOR MUNICIPALITIES REGULATION 1933.

ERRATA.

Page 5 lines 16-17	.. *For* liabilities of a municipality *read* liabilities of the municipal council of a municipality
Page 7 lines 2-3	.. *For* clause (*a*) *read* clause A (*a*)
do line 21	.. *For* clauses (*a*), (*b*) *read* clauses A (*a*) and (*b*)
Page 14 line 22	.. *For* as any be *read* as may be
Page 18 line 30	.. Insert a comma between the word "council" and the word "the"
Page 20 line 5 (from the bottom)	Insert a comma between the words "perform" and "as"
Page 23 line 14	.. Insert a comma between the words "if" and "in"
Page 24 line 30	.. Insert a comma at the end
Page 23 line 21	.. *For* dafault *read* default
Page 27 line 3	.. Insert a comma after the word "GOVERNMENT"
Page 28 marginal note to section 57	*For* Duties of government auditor *read* Duties of Government auditor
„ line 37	.. *For* preceeding *read* preceding
Page 33 line 13	.. *For* concel *read* cancel
Page 46 line 33	.. *For* buildin *read* building
Page 48 line 7	.. *For* allow *read* allowed

Order No. F. 264—Legis. 62-31-4, Bangalore, the 14th July 1933.

Ordered that the accompanying Minor Municipalities Regulation which received the assent of His Highness the Maharaja, on the 28th day of June 1933, be published as Regulation No. IX of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION IX OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS ON THE 28TH DAY OF JUNE 1933).

THE

MYSORE MINOR MUNICIPALITIES REGULATION.

A REGULATION TO MAKE BETTER PROVISION FOR THE ADMINISTRATION OF SMALL MUNICIPALITIES IN MYSORE.

Whereas it is expedient to make better provision for the administration of small municipalities in Mysore : It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Minor Municipalities Regulation, 1933 Short title.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the first day of August 1933.

2. On this Regulation coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to minor municipalities. Repeal.

Provided that—

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ; Saving clause.

(*b*) all minor municipalities constituted, municipal councillors appointed or elected, committees established, limits defined, appointments, rules and orders made,

instituted, under the said enactments or under any enactments thereby repealed shall, so far as may be and so far as they relate to minor municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Regulation; and

(c) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation section.

3. In this Regulation, unless there be something repugnant in the subject or context—

(1) "Amildar" includes a Deputy Amildar;

(2) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, doorsteps, and the like;

(3) "councillor" shall mean any person legally a member of a municipal council;

(4) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, or infectious disease by which the life of man is endangered;

(5) "land" shall include land which is built upon or covered with water;

(6) "municipal council" shall mean the council of a minor municipality;

(7) "municipality" shall mean any local area which is at present a minor municipality and any local area which may hereafter be constituted or declared as a minor municipality under sections 4 and 5, if such municipality has not ceased to be a minor municipality;

(8) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(9) "official year" shall mean the year commencing on the first day of July;

(10) "owner" shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive

the person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Regulation required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(11) "prescribed" means prescribed by any rule made by the Government under this Regulation;

(12) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(13) "public street" shall mean any street—

(*a*) over which the public have a right of way; or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds.

(14) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of salary from the Government who is not a full-time servant of the Government;

(15) "street" shall mean any road, footway, square, court, alley, passage or vacant space, accessible whether permanently or temporarily to the public, whether a thoroughfare or not;

(16) "taluk" includes a sub-taluk;

(17) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Regulation;

(18) "vehicle" shall include bicycles, tricycles, automotor cars and every wheeled conveyance which is used or capable of being used on a public street;

(19) "whole number" shall mean when used with reference to the councillors of a municipal council the total number of councillors holding office at the time.

CHAPTER II.

THE MUNICIPAL CONSTITUTION AND GOVERNMENT.

Procedure for constituting a minor municipality

4. (1) The Government may by notification in the Official Gazette and by proclamation in the area concerned propose with effect from a date specified therein to declare any local area with a population of not less than three thousand according to the latest census to be a minor municipality, or from time to time, to extend, contract or otherwise alter the limits of any such municipality or to declare that any local area shall cease to be a municipality.

(2) Any inhabitant desirous of preferring any objection to a notification issued under sub-section (1) may, within three months from the date of its publication in the Official Gazette, submit his objection in writing, through the Deputy Commissioner to the Government.

(3) After the expiry of three months from the date of the publication of the notification in the Official Gazette and consideration of such objections as may have been submitted to it, the Government may, by notification, declare the local area to be or to cease to be a municipality or to be excluded from or included in a municipality for the purpose of this Regulation.

Naming of municipalities comprising two or more places.

(4) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

Conversion of town municipalities into minor municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the Official Gazette that any town municipality constituted under the Mysore Town Municipalities Regulation, 1933, which contains a population of not less than three thousand inhabitants be deemed to be a minor municipality constituted under this Regulation and may at any time cancel such declaration.

(2) The provisions of the Mysore Town Municipalities Regulation, 1933, shall not apply to any municipality declared as a minor municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued or imposed under the Mysore Town Municipalities Regulation,

1933, in respect of a municipality declared as a minor municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order, scheme, rule, or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Regulation or of such other law in respect of the minor municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made or issued under this Regulation or such other law.

(4) Before any town municipality is constituted into a minor municipality, the procedure prescribed in section 4 shall, as far as may be, be followed.

(5) The property, rights and liabilities of a municipality declared as a minor municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

Municipal government to vest in municipal council.

6. (1) Except as in this Regulation otherwise expressly provided, there shall be a municipal council for every municipality, and the municipal government of every municipality shall vest in the municipal council.

Incorporation of municipal councils.

(2) The municipal council shall, by the name of the municipality, be a body corporate and have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Constitution of municipal councils.

(3) (*a*) The municipal council shall consist of councillors elected in accordance with the rules prescribed and of councillors, if any, appointed by the Government by name or by office.

(*b*) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any municipal council shall not be less than two-thirds of the number of councillors fixed and of the number of appointed councillors, the salaried servants of the Government, if any, shall not exceed one-half.

(*c*) If a councillor is appointed by office, the person for the time being holding the office shall be a councillor.

(*d*) Any vacancy among councillors due either to want of candidates or to failure to elect the required number of councillors which under this section or section 15 or 16 may be elected, may, notwithstanding anything contained in this Regulation, be filled up by the Government appointing a person qualified to be elected and any

person so appointed shall be deemed to be a councillor as if he had been duly elected.

(*e*) When a president appointed or elected under section 10 is not already a councillor, he shall be an additional councillor and the "two-thirds of the number" mentioned in clause (*b*) shall be exclusive of such president.

Publication of names of councillors presidents and vice-presidents in the Official Gazette.

(4) The names of all councillors, presidents and vice-presidents finally elected or appointed to any municipal council shall be published, as soon as conveniently may be, in the Official Gazette.

Qualification of voters.

7. Every person who has completed twenty-one years of age and has been residing in the municipality for a period of not less than six months prior to the date of the election shall be entitled to vote at an election of members of the municipal council.

Qualification of candidates

8. Every person who is entitled to vote at a municipal election and who is not disqualified to be a councillor shall be qualified to be elected as a councillor.

General disqualifications for becoming a councillor.

9. (1) (A) No person may be a councillor—

(*a*) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been removed from office under section 14 of this Regulation or section 14 of the Mysore Town Municipalities Regulation, 1933, or under section 14 of the Mysore City Municipalities Regulation, 1933, or

(*b*) who is an undischarged insolvent, and

(B) no person—

(*a*) who is a subordinate officer or servant of a municipal council, or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council,

may be a member of such municipal council.

Provided that—

(*a*) the disqualification in sub-clause (ii) of clause (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in sub-clauses, (i) and (iii) of clause (A) (*a*) will cease to operate after the expiry of three years from the date of such sentence or removal, or earlier by an order of the Government;

(*c*) the disqualification under clause (B) (*b*) shall not be deemed to have been incurred if a person has been nominated by the Government as councillor or if he has stood for election with the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

Disabilities from continuing a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in clauses (*a*), (*b*) and (B) (*a*) of sub-section (1), or

(*b*) acquires any such share or interest as is specified in clause (B) (*b*) of sub-section (1) without the written permission of the Assistant Commissioner in charge of the taluk or the Deputy Commissioner of the district in which the municipality is situated ,or

(*c*) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*d*) fails to pay any arrears of any kind due by him to the municipal council within three months, after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

(3) A councillor whose office has become vacant under sub-section (2) shall, if his disability has ceased, be eligible for re-election or re-appointment.

(4.) If any question, dispute, or doubt arises whether any vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute, or doubt.

Every municipal council to have a president and if the municipal council so desires, a vice-president.

10. (1) For every municipal council there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by the general body of voters subject to the rules prescribed in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*b*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-President to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Power of Government to appoint the president or vice-president.

(5) The Government, may, for default of election, appoint the president or vice-president.

Amildar to perform the duties of the president when there is no president and vice-president.

(6) During a vacancy in the office of the president and when there is no vice-president to take his place, the Amildar of the Taluk or the person performing the duties of the Amildar for the time being, shall exercise all the powers and perform all the duties of the president and he shall, during such period, be deemed to be a councillor if he is not already a councillor.

Vacation of office by president and vice-president for want of confidence.

(7) Every president other than a salaried servant of the Government appointed ex-officio or by name as president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office—

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

Removal of presidents and vice-presidents.

(8) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts, if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Vacation of office by vice-president on becoming president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Term of office of president and vice-president.

(10) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor. Provided that in the case of elected presidents the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one year and that elections be held therefor every year.

Consequences of absence of president or vice-president without leave and limit of leave.

(11) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president and vice-president who, for a period exceeding fifteen days shall absent himself from the municipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the Deputy Commissioner, and no leave shall be granted under this sub-section for a period exceeding three months at one time.

Determination of validity of elections.

11. (1) At any time within ten days after the date of the declaration of the result of an election of a councillor or of a president under clause (*d*) of sub-section (2) of section 10, any candidate who stood for election or any ten persons qualified to vote at that election may apply together with a deposit of fifty rupees as security for costs to the Munsiff within the local limits of whose jurisdiction

the election has been or should have been held, for the determination of the validity of the election.

Powers of Munsiff holding enquiry.

(2) The Munsiff may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the Munsiff may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible be followed in such enquiries. An appeal shall lie to the High Court from the order of the Munsiff, provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the Munsiff sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The Munsiff, if satisfied that a candidate has within the meaning of sub-section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Munsiff shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Munsiff finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give

or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Candidate when deemed to have committed corrupt practice.

Explanation.—"A promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Promise of individual profit.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 106 or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election.

Mere irregularities and informalities not to invalidate election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of the election has been materially affected.

(6) If the Munsiff sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that municipality or any other municipality constituted under this Regulation or the Mysore Town Municipalities Regulation, 1933, or under the Mysore City Municipalities Regulation, 1933, for a term of years not exceeding seven, and the Munsiff's decision shall be conclusive :

Disqualification of candidate for corrupt practice.

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.

Provided further that such person may, by an order which the Government is hereby empowered to make, if

it shall think fit, in that behalf, be at any time relieved from such disqualification.

Term of office of councillors.

12. Except as is otherwise provided in this Regulation, councillors appointed or elected at a general election shall hold office from a date to be mentioned in the notification published under sub-section (4) of section 6 for a term of three years extensible by order of the Government to a term not exceeding in the aggregate four years, if on any occasion the Government shall think fit so to extend the same.

Resignation of councillors, vice-presidents and president.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president, and such resignation shall take effect from the date of the notice.

The president may resign his membership or his office as president by giving notice in writing to that effect to the Deputy Commissioner and such resignation shall take effect on the expiry of ten days from the date of the notice.

Liability of councillors for removal from office.

14. The Government may, if it thinks fit, on the recommendation of the municipal council supported by at least two-thirds of the whole number of councillors remove any councillor, elected or appointed under this Regulation, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor. Provided that no resolution recommending the removal of any councillor shall be passed by the municipal council unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

Casual vacancies among councillors, president or vice-president how to be filled up.

15. If any casual vacancy occurs in the office of a councillor, president or vice-president, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor, president or vice-president in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies by increasing the number of councillors.

16. In the event of a vacancy occurring by increasing the number of councillors in any municipal council, such vacancy shall be filled up, as soon as conveniently may be by the election or appointment, as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the Official Gazette.

17. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation.

Bar of suits relating to elections, etc.

18. (1) Every municipal council shall hold an ordinary general meeting in each month for the disposal of general business and the president shall fix the dates for all ordinary general meetings. The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call for such meeting for a day not more than thirty days after the presentation of such request.

Meetings.

(2) No business shall be transacted at any meeting of a municipal council unless one-third of the whole number of councillors be present. If there is no quorum, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and the business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting and may be disposed of at such meeting. Provided that the president may in respect of urgent items of business included in the agenda and not considered for want of a quorum at the adjourned meeting, assume and exercise the powers of the municipal council and submit a report of action taken immediately to the Deputy Commissioner.

(3) Every meeting of the municipal council shall be presided over by the president, if he is present or if the president is absent, by the vice-president. In the absence of both the president and the vice-president, such one of the councillors present as may be chosen by the meeting to be chairman for the occasion shall preside over the meeting.

(4) All questions before a municipal council shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes.

(5) No councillor shall vote on, or take part in the discussion of any matter before any meeting of the municipal council, if the question is one in which apart from its general

application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(6) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

(7) The presiding authority shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the presiding authority thereon shall be final.

(8) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the municipal council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within five days from the date of the meeting.

Committees.

19. Subject to such rules as any be prescribed in this behalf, the municipal council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them ; or may appoint individual councillors or committees, to inquire into and report or advise on any matters which it may refer to them.

Rights and privileges of municipal councillors.

20. (1) A councillor may call the attention of the president to any neglect in the execution of the municipal work, to any waste of municipal property, or to the wants of any locality and may suggest any improvements which he considers desirable and may bring up any motion.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such rules as may be prescribed by the Government.

(3) Every councillor shall have access during office hours to the records of the municipal council after giving due notice to the president, provided that the president may for reasons given in writing forbid such access.

Certain officers entitled to attend and speak at meetings of municipal council.

21. Any officer of the Government authorised by the Government or by the Deputy Commissioner in this behalf shall be entitled to attend any meeting of the municipal council and to address the municipal council on any matter under discussion affecting his department.

22. (1) During any vacancy in a municipal council the continuing councillors may act as if no vacancy had occurred. **Vacancy not to affect proceedings.**

(2) No act or proceeding of a municipal council, councillor or president shall be deemed to be invalid by reason only of some defect in the constitution of such municipal council or the election or appointment of such councillor or president, or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the council was not duly given or by reason of such act or proceeding having been done during the period of any vacancy in the office of the president or councillor or for any other such informality. **Act of municipal councils etc., not to be invalidated.**

CHAPTER III.

Functions and Liabilities.

23. (1) It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :— **Obligatory duties.**

(*a*) lighting public streets, places and buildings ;

(*b*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

(*c*) disposing of night-soil and rubbish ;

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering, maintaining and improving public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, and providing public facilities for drinking water ;

(*j*) providing a supply of water, proper and sufficient to prevent danger to the health of the inhabitants and their domestic cattle;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) establishing and maintaining dispensaries, and providing public medical relief;

(*o*) taking such measures as may be required to prevent the outbreak, spread or recurrence of dangerous diseases;

(*p*) any measure likely to promote the health, safety, comfort, convenience, interest or welfare of the public not specified above when directed by the Government.

Discretionary duties.

(2) It shall be within the discretion of any municipal council to undertake and make provision for the following matters within the limits of the municipality, namely:—

(*a*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Deputy Commissioner, any public reception, ceremony, entertainment or exhibition within the municipality,

(*b*) granting loans to servants employed by the municipal council for construction of houses, subject to the rules prescribed in this behalf,

(*c*) subject to the exceptions and conditions that may from time to time be imposed by the Government, any measure not specified in this sub-section or sub-section (1) likely to promote education or the health, safety, comfort, convenience, interest or welfare of the public.

(3) Notwithstanding anything contained in sub-section (1), the Government may exempt any municipal council from any of the provisions of that sub-section or may declare that in regard to any municipal council any of the duties specified in that sub-section shall be deemed to be discretionary duties within the meaning of sub-section (2).

Power of municipal council to acquire and hold property and to contract.

24. Subject to the rules prescribed, every municipal council shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the municipality, and to enter into contracts for all or any of the purposes of this Regulation.

Provided that nothing in this section shall empower any municipal council to raise loans except as provided for in section 51

25. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

Contracts by officers appointed by Government to execute municipal works and payment for such works

26. When any land, whether within or without the limits of the municipality, is required for the purposes of this Regulation, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, and on payment by the municipal council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

Acquisition of land.

27. The president of the municipal council shall—

Functions of the president.

(*a*) convene the meetings of the municipal council,

(*b*) carry into effect the resolutions of the municipal council,

(*c*) furnish to the municipal council such periodical reports regarding the progress made in carrying out its resolutions and in the collection of taxes as it may direct,

(*d*) perform all the duties and exercise all the powers specifically imposed or conferred on the president by this Regulation or the rules thereunder and subject, whenever it is expressly so provided, to the sanction of the municipal council, and subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Regulation, and be directly responsible for the due fulfilment of the purposes of this Regulation.

28. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president deputes to him in accordance with general or special rules or orders of the Government issued in this behalf.

Functions of the vice-president.

(2) The vice-president shall exercise the powers and perform the duties of the president, pending the succession, appointment or election of a president, or during the absence of a president on leave. When the Amildar has been

appointed as *ex officio* president of a municipal council, notwithstanding anything contained in section 13 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during any period when the office of the Amildar is vacant.

Municipal establishment.

29. (1) Every municipal council shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation.

(2) The recruitment, pay, leave, punishment, transfer, pensions, gratuities, leave, absentee and travelling allowances, and all other matters relating to the officers and servants of municipal councils shall be regulated by the rules prescribed or the special or general orders of the Government in this behalf.

Municipal councillors, etc., to be public servants.

30. (1) Every municipal councillor, officer or servant, every auditor appointed under section 55, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

31. (1) Except as herein other wise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of the municipal council, the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and councillors for loss, waste or misapplication.

(2) Every councillor shall be liable for the misapplication of any money or other property owned by or vested in the municipal council to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

32. (1) No suit shall be instituted against any municipal council, or any president, councillor, officer, or servant thereof or any person acting under the direction of any such municipal council, councillor, officer or servant for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims has been, in the case of a municipal council, delivered or left at its office, and in the case of any such president, councillor, officer, or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

Institution of legal proceedings against municipal council, president, councillor, officer, servant or agent and bar of certain suits.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

33. (1) The municipal council or the president with the general or special sanction of the municipal council, may compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into under this Regulation, for such sum of money or other compensation as shall be deemed sufficient;

Powers to compromise suits and claims.

Provided that if any sanction in the making of any contract is required by or under this Regulation or the rules thereunder, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council or the president with the approval of the municipal council, may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the municipal council, the president and the officers and servants of the municipal council under this Regulation or the rules thereunder.

CHAPTER IV.

CONTROL.

34. (1) The Government shall be the chief controlling authority in respect of all matters relating to the administration of minor municipalities.

Chief controlling authority.

(2) Subject to the control of the Government and of the Deputy Commissioner of the District, the Assistant Commissioner in charge of the Taluk in which the municipality is situated, and in the absence of such an officer, the Deputy Commissioner of the District subject to the control of the Government, shall exercise general powers of inspection, supervision and control over the municipal councils within his jurisdiction and may—

(*a*) call for any record, correspondence, plan, or other document in the possession or under the control of any municipal council;

(*b*) require any municipal council to furnish any return, plan, estimate, statement, account or statistics;

(*c*) require any municipal council to furnish any information or report on any municipal matter;

(*d*) record in writing, for the consideration of the municipal council, any observations which he may think proper in regard to the proceedings or duties of the president or the municipal council.

(3) All or any of the powers given to the Assistant Commissioner and the Deputy Commissioner under sub-section (2) may be conferred by the Government on any officer subordinate to it.

Power of Government and Deputy Commissioner to annul or amend proceedings of municipal council.

35. The Government or the Deputy Commissioner may, by order in writing, annul or amend any proceedings or resolution of a municipal council which it or he may consider to be not in conformity with the provisions of this Regulation or any other law or order in force, and may do all things necessary to secure such conformity.

Power to suspend action of the municipal council.

36. The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a municipal council if in his opinion such resolution or order is in excess of the powers conferred on the municipal council by law or if the execution of such resolution or order is likely to lead to a breach of the peace or to cause injury or annoyance to the public or any class or body of persons.

Power to provide for the performance of duties or works in case of default or in case of emergency.

37. (1) In cases of neglect or refusal on the part of the municipal council to perform any prescribed duty or in case of emergency, the Deputy Commissioner or the Assistant Commissioner may perform or cause to be performed such duty or any work which the municipal council is empowered to execute or perform as the case may be.

(2) The Deputy Commissioner or the Assistant Commissioner may direct that the expense of performing any duty or work under the powers vested in him under sub-section (1) with a reasonable remuneration to the person

appointed to perform the duty or work shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Deputy Commissioner or the Assistant Commissioner, as the case may be, may make an order directing any person, who, for the time being, has custody of any monies on behalf of the municipal council to pay such expense and remuneration from such monies as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Agency for execution of public works.

38. (1) Such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provisions in regard to works executed by the Government.

39. (1) Notwithstanding anything contained in this Regulation, the Government may at any time after consulting the municipal council—

(*a*) construct any work of a permanent nature which, in the opinion of the Government, is necessary or desirable for the health or safety of the inhabitants of a municipality, whether it be within the municipality or without it wholly or in part ;

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the municipal council, or resume the same from the municipal council ;

(*c*) recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of any municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (c) of sub-section (1).

Government inquiry into municipal matters.

40. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any complaint against the administration by the municipal council or any matters with respect to which the sanction, approval or consent of the Government is required under this Regulation or the rules made thereunder.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses ;

and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per-cent per annum ; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to direct person in custody of municipal fund to pay Government dues.

41. If a municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of in-competency, default, or abuse of powers.

42. (1) If in the opinion of the Government, any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in dafault, or to have exceeded, or abused its powers, as the case may be, and may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government ;

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution on the date specified n the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Appointment of inspectors.

43. (1) The Government may appoint such inspectors as may be required for the purpose of inspecting or superintending the operations of all or any of the municipal councils constituted under this Regulation.

(2) All institutions maintained in whole or in part by any municipal council and all registers, books, accounts and other documents relating thereto shall at all times be open to the inspection of the inspectors appointed under sub-section (1) and municipal authorities and municipal officers and servants shall afford to inspectors such access at all reasonable times to municipal property or premises and to all records, accounts and other documents which, subject to the rules prescribed, they may consider to be necessary to enable them to discharge their duty of inspection and superintendence.

Disputes.

44. (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a municipal council and one or more other local authorities in regard to any matters arising under the provisions of this Regulation or any other law and the dispute is not amicably settled;

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself, if the dispute is with another municipal council of a minor municipality or a village panchayet or a town municipal council as defined in the Mysore Town Municipalities Regulation, 1933, in the same district and his decision shall be final; and

(*b*) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Appeals.

45. (1) Save as otherwise provided for in this Regulation or in the rules prescribed, an appeal shall lie from an order of the president or vice-president to the municipal council and shall be preferred within thirty days

of the date of publication or communication of the order appealed from.

(2) An appeal shall lie to the Government from an order of the Deputy Commissioner under sections 36 and 37 and shall be preferred within thirty days of the date of publication or communication of the order and the decision of the Government shall be final.

CHAPTER V.

Property and Finance.

Property vested in the municipal council.

46. (1) All property of the nature specified in the clauses to this sub-section, not being specially reserved by the Government, shall be vested in and belong to the municipal council, and shall together with all other property of what nature or kind soever, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation :—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots,

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works, and also any adjacent land, not being private property, appertaining to any public tank or well,

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto ; all dust, dirt, dung, ashes, refuse, animal matter, filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere,

(*d*) all public lamps, lamp-posts, apparatus connected therewith, or appertaining thereto,

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes,

(*f*) all public streets and the pavements, stones and other materials thereof and also all trees, erections, materials, and implements provided for such streets.

Power of Government to resume property.

(2) It shall be competent to the Government from time to time by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Management of public institutions maintained by municipal councils to vest in it.

47. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

Municipal fund, its custody and investment.

48. (1) There shall be in each municipality a fund which shall be called the municipal fund, and it shall be administered by the municipal council.

(2) It shall be lawful for a municipal council to deposit at interest with the Mysore Government savings bank or in any other bank approved by the Government any surplus funds in its hands which may not be required for current charges, and with the sanction of the Government, invest such funds in public securities and vary such investment or dispose of such securities with the like sanction.

(3) The municipal fund over and above what is invested as provided for in sub-section (2) shall be kept in the Government treasury of the taluk in which the municipality is situated or in any bank approved by the Government in this behalf.

Constitution of the municipal fund.

49. The following shall form part of or be paid into the municipal fund :—

(*a*) all taxes, fines, fees, penalties and costs paid to or levied by or on behalf of the municipal council under this Regulation and all fines imposed by a magistrate under this Regulation or the rules thereunder;

(*b*) all rents or income from lands or other properties of the municipal council;

(*c*) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;

(*d*) all proceeds of land and other property sold by the municipal council; and

(*e*) all sums received by or on behalf of the municipal council by virtue of this Regulation or any other law.

Application of municipal fund and property.

50. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in section 23 and for all other purposes for which by or under this Regulation or any other

law for the time being in force powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

51. It shall be lawful for a municipal council, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, to raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation, and to form a sinking fund for the repayment of such loans.

Municipal council may raise loans and form a sinking fund.

52. Subject to the rules prescribed, a municipal council may make grants-in-aid to any medical, veterinary, educational or charitable institution or any other institution or object of public utility within or without the area under its authority, whether it be under public or private management, and may vary or cancel such grant.

Contribution to expenditure incurred by the Government and power to make grant-in-aid.

53. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

Maintenance of accounts and restrictions on expenditure,

(2) Expenditure from the municipal funds hall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

54. Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and it shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Presentation of accounts,

55. The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed by the Government.

Audit of accounts.

56. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

Power of Government auditor.

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him ; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document

or to answer any question or prepare and submit any statement.

Duties of government auditor.

57. (1) The Government auditor shall—

(a) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(b) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(c) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Surcharge.

58. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of the illegal payment.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been, but is not, brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

Appeal from order of surcharge.

59. Any person aggrieved by the order of the Deputy Commissioner under the last preceeding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such a case after taking such evidence as is necessary may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period,

appeal to the Government which shall pass such orders as it thinks fit.

60. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recove rable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Recovery of amount surcharged.

CHAPTER VI.

TAXATION AND RECOVERY OF DUES.

61. (1) The municipal council may, from time to time subject to the provisions of this chapter and the rules prescribed, impose in the whole or in any part of the municipality all or any of the following taxes for the purposes of this Regulation, namely :—

Taxes and fees which a municipal council may levy.

(*a*) an octroi on animals or goods or both brought within the limits of the municipality for consumption or use within those limits ;

(*b*) a tax payable by the owners of buildings or lands or both situated within the limits of the municipality ;

(*c*) a lighting tax payable by the owners of buildings or lands or both where the lighting of public streets, places and buildings is undertaken by the municipal council ;

(*d*) a water-tax where water is supplied by the municipal council ;

(*e*) a special sanitary cess upon private latrines, premises, or compounds cleansed by municipal agency ;

(*f*) a tax on shops and other places where a business or profession is carried on, payable by the person or persons engaged in the business or profession ;

(*g*) a tax payable by the owner on all or any vehicles used for riding, driving, draught or burden kept within the municipality for use ;

(*h*) with the sanction of the Government, a toll on vehicles used as aforesaid entering the municipality but not liable to taxation under clause (*g*) of this sub-section ;

(*i*) fees—

(i) for exposing goods for sale in any market or place belonging to or under the control of the municipal council or the Government;

(ii) for licenses and permissions issued under this Regulation; and

(iii) for the use of municipal slaughter-houses.

Power of municipal council to levy other taxes and fees.

62. In addition to or in lieu of any of the foregoing taxes, the municipal council may levy with the approval of the Government and subject to such rules as may be prescribed in this behalf, any other tax or fee which may be convenient and suitable to the inhabitants of the municipality.

Rates of taxes and fees.

63. The rates or amounts of taxes and fees shall not exceed the maxima that may be prescribed or those that the Government may in any special case by order direct:

Provided that—

(*a*) the rate of special sanitary cess shall be so fixed that the total proceeds from the cess shall not exceed the amount required for cleansing private latrines or compounds by manual labour or for conducting or receiving the sewage thereof into municipal sewers;

(*b*) the rate of the water tax shall be so regulated that the total proceeds of the tax with the estimated income from payments for water supplied from the works under special contracts, if any, shall not exceed the amount required for the annual maintenance of water supply works and for the repayment with interest of the capital outlay thereon in such number of years as the municipal council may fix with the approval of the Government.

Abolition and suspension of taxes and fees, or variation of rates.

64. The municipal council may, subject to the rules prescribed in this behalf and subject to the control of the Government and to the provisions of sections 71 and 72,

(*a*) abolish any tax or fee and within the limits imposed under section 63, vary the amount or rate of any such tax or fee, and

(*b*) suspend the operation of any tax or fee within any part of the municipality for any specified period.

Exemptions, remissions, and writes off.

65. Subject to the rules prescribed in this behalf, the municipal council may—

(*a*) exempt in whole or in part from the payment of any tax or fee any person or class of persons or any property or animal or description of property or animal;

(*b*) remit the amount of any tax, fee or other due or refund the same if it has been already collected, and

(*c*) write off any irrecoverable amount of tax, fee or other due.

Bar of other proceedings.

66. No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than is provided in this Regulation or in the rules prescribed in this behalf.

Compounding for payment of tolls.

67. The president may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid in advance monthly or quarterly or half-yearly in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle into the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Farming of tolls and fees

68. The municipal council may lease the collection of tolls and fees imposed under clauses (h) and (i) of sub-section (1) of section 61 annually on such conditions as may be approved by the municipal council.

Liability of land, building, etc., for taxes.

69. (1) All sums due on account of taxes imposed in the form of a tax on buildings or lands, or on both shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land in respect of which such tax is payable, and upon the movable property, if any, found within or upon such building or land and belonging to the person liable for such tax or taxes.

Right of occupier to recover from owner.

(2) Any tax or sum leviable under this Regulation from the owner may be recovered from the occupier, and in such case such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from any rent then or thereafter due by him to the owner.

(3) No sum shall under sub-sections (1) and (2) be recoverable from any occupier who is not the owner if it has been due for more than one year or for a period during which such occupier was not in occupation.

Recovery of dues.

70. (1) The amount of taxes, fees, costs and other dues under this Regulation shall be paid in such manner as may be prescribed and in case of default of such

payment shall be recoverable by the distraint and sale of the movable property of the defaulter.

Distress lawful though defective in form.

(2) No distress levied by virtue of this Regulation shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Limitation of distraint.

(3) No distraint shall be made in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made in respect of such sum.

Suits for dues not precluded.

(4) Nothing herein contained shall preclude the institution by a municipal council of a suit for any amount due under this Regulation.

Power of Government to suspend or prohibit levy of objectionable taxes.

71. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a municipal council is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed such requirements shall not be carried into effect to the satisfaction of the Government, it may by notification in the Official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may, at any time, by a like notification, rescind any such suspension.

Special powers of Government with regard to taxation.

72. Whenever it appears to the Government that the regular income of any municipal council falls below what is necessary for the proper discharge of its duties, or that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under sections 37 and 39, the Government may by notification require the municipal council to impose in the municipality any tax which may be imposed under section 61 and which is not at the time imposed in the said municipality or to enhance the rates of any of the existing taxes in such manner or to such extent as the Government considers fit; and the municipal council shall forthwith proceed to

impose the tax or enhance the rates of the taxes in accordance with the requisition.

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final,

(*b*) it shall not be lawful for the municipal council to abolish the tax or to reduce the rates of taxes when imposed under this section, and

(*c*) the Government may at any time concel or modify any requisition made by it under this section, and the levy of the tax or the enhancement; except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

73. For all sums paid to a municipal council on account of any tax, fee or other due under this Regulation, a receipt stating the amount and the tax, fee or other due on account of which it has been paid, shall be tendered by the person receiving the same. Receipts to be given for all payments.

CHAPTER VII.

POWERS, OFFENCES AND PENALTIES.

74 It shall be lawful for the president or for any person authorised by the president or the municipal council for such purpose, to enter, for any purpose of this Regulation, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land: Powers of entry and inspection.

Provided that, except when otherwise provided in this Regulation or the rules thereunder, no building or land which may be occupied at the time shall be entered except with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier.

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupier.

75. The president may close temporarily any street or any part thereof for any public purpose. Power of president to temporarily close streets.

Power to attach brackets for lamps, name—plates of streets, etc.

76. (1) The president may cause to be attached to the outside of any building brackets for lamps or name plates of streets and may cause a number to be affixed to every house in the municipality for the purpose of identifying it.

(2) No person shall without the authority of the president, disturb, deface or destroy any bracket, name-plate or number attached or affixed under sub-section (1) or any direction—post or lamp-post or extinguish any light maintained by the municipal council in any street or public place.

Permission necessary for certain projections.

77. (1) The president may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

Removal of projections.

(2) The president may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into, or in any way, projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the president shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the president, make reasonable compensation to every person who suffers damage by such removal or alteration.

Obstructions and encroachments upon public streets and open spaces.

78. (1) No person shall without the written permission of the president have built or set up or shall build or set up any wall or any fence, rail, post, stall, verandah, platform, plinth, or any projecting structure or thing, or

other encroachment or obstruction in any public street, except steps over drains or, shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street.

(2) The president shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment.

(3) Nothing contained in this section shall prevent the president from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than seven days, and in such manner as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 77 or in any case where permission has been given under sub-section (3) of this section.

Control of erection of buildings.

79. (1) Subject to the provisions of sub-section (3) of this section, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the president.

(2) Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds or for the reason that the building is unsuited for a factory if the building is intended for such use.

(3) Such permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of an application in that behalf in writing. Provided that nothing in this sub-section shall authorise any person to build in contravention of any other provisions of this Regulation or the rules thereunder.

(4) No building shall be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool or other suitable place which may be approved of by the president.

(5) The president in granting permission to build, may impose in writing such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any existing building or street, existing or projected, and may require in any locality approved by the Government in this behalf, that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and the municipal council may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

(6) Whenever a building is erected, altered, added to or re-constructed without the permission of the president or in any manner contrary to the conditions imposed by the permission or the provisions of this Regulation or the rules thereunder, the president without prejudice to the prosecution of the offender under section 93 may, by written notice—

(*a*) direct that the building, alteration or addition be stopped;

(*b*) require such building, alteration or addition to be altered or demolished as he may deem necessary; and

(*c*) withdraw the permission.

Power of Government to prohibit the erection of buildings in certain areas without permission.

80. (1) Notwithstanding anything contained in section 79, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

81. If it appears necessary to improve the sanitary condition of any area within its jurisdiction, the municipal council may by a written notice require within a reasonable period specified therein—

Power with regard to huts, privies, etc.

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to provide any drain, privy or cesspool or any additional drains, privies or cesspools therefor or to repair, alter or put in good repair the drains, privies, or cesspools thereof.

Power as regards sanitation, drainage, etc.

82. (1) The president may by a written notice require within a reasonable time specified therein—

(*a*) the owner or occupier of any land or building which needs to be cleansed or which is kept in a filthy or unwholesome state to cleanse it or otherwise put it in a proper state;

(*b*) the owner or occupier of any land or building which contains a pool, ditch, tank, well, hole or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be cleansed, filled or deepened or cause the water to be removed or drained or to take such other action therewith as may be deemed necessary by the president;

(*c*) any person who, without the written permission of the municipal council, newly erects or rebuilds any building over any sewer, drain, culvert, watercourse, or water-pipe, vested in the municipal council, to pull down or otherwise deal with the building as the president thinks fit;

(*d*) the owner or occupier of any building or any well, tank, reservoir, pool, depression or excavation which is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, to repair, protect or enclose the same;

(*e*) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly-pear or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly-pear or jungle;

(*f*) the owner or occupier of any building, wall or structure or anything affixed thereto, or any bank or tree which is deemed by the president to be in a ruinous state or in any way dangerous, to remove the same or to cause such repairs to be made thereto as the president may deem necessary for the public safety;

(*g*) the owner or part-owner or any person claiming to be the owner or part-owner of any building or land which

by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same.

(2) If the owner or occupier of a building or land is not known, the municipal council may, in cases falling under clauses (*b*), (*d*), (*e*), (*f*) and (*g*), carry out the work and the cost of such work may be recovered from him within three years.

83. No person shall—

Depositing or throwing rubbish, etc., on roads or into drains and discharging sewage.

(*a*) without the written permission of the president or in disregard of the orders of the president or the municipal council, throw or deposit, or permit his servants, or members of his household under his control to throw or deposit earth or materials of any description, refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith;

(*b*) without the written permission of the president, cause or allow the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose.

Power to lay or carry pipes, drains or sewers through private property.

84. (1) The municipal council may, for the purpose of carrying out, establishing or maintaining any system of drainage, sewerage or water-supply, carry any pipe, drain, sewer or channel of any kind into, through, across, under, over or up the side of any land or building whatever situated within the limits of the municipality, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe, drain, sewer or channel:

Provided that—

(*a*) reasonable notice shall be given to the owner or occupier of any such land or building; and

(*b*) reasonable compensation shall be paid to the owner or occupier for any damage sustained by him and directly occasioned by the carrying out of any such operations or for any substantial interference with the rights of such owner or occupier to the due enjoyment of such land or building.

(2) No person shall, without the written permission of the president at any time make, or cause to be made, any connection or communication with any pipe, drain,

sewer or channel constructed or maintained by or vested in the municipal council for any purpose whatsoever.

(3) The municipal council may without prejudice to the prosecution of the offender under section 93, close, demolish, alter or remake any connection or communication made in contravention of the provisions of sub-section (2) and the expenses thereby incurred shall be paid by the person making such connection or communication.

(4) When any such work as is referred to in sub-section (1) is constructed or maintained by the Government under the powers vested in it by section 39, the powers of the municipal council under sub-sections (1), (2) and (3) shall be exercised by such officer as the Government may direct.

Power of municipal council to provide for proper water supply.

85. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the municipal council may—

(*a*) construct, repair and maintain tanks or wells and clear out streams or water-courses;

(*b*) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;

(*c*) with the consent of the owner thereof, utilise, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom;

(*d*) contract with any person for a supply of water; or

(*e*) do any other acts necessary for carrying out the purposes of this section.

(2) The municipal council may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any rights which the owner referred to in clause (*c*) of that sub-section may retain with the consent of the municipal council.

(3) The municipal council may, by order published at such places as it may think fit, prohibit—

(*a*) all bathing, washing of clothes, vessels and animals or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2); and

(*b*) during epidemics, the use of any source of water-supply for drinking or culinary purposes or for the washing of clothes.

Provided that the president may, in cases of emergency, exercise the powers of the municipal council under clause (*b*) and report the action taken for the orders of the municipal council.

Unwholesome articles of food and drink.

86. (1) The president, or any person authorised by him in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or of drugs, or used for the slaughter of animals, and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, the president, or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under section 95.

Feed animals on deleterious substance.

87. No person shall feed, or allow to be fed, on any deleterious substance, filth or refuse of any kind, any animal which is kept for supplying milk or milk products or is intended for human consumption.

Acts done by persons suffering from certain diseases.

88. No person suffering from a loathsome, infectious or contagious disease shall—

(*a*) make or offer for sale any article of food or drink for human consumption or any medicine or drug, or

(*b*) wilfully touch any such article, medicine or drug, when exposed for sale by others, or

(*c*) take any part in the business of washing or carrying clothes.

Places for slaughter of animals for sale.

89. (1) The municipal council may fix premises for the slaughter of animals or animals of any specified description, for sale, either within the municipality, or with the approval of the Deputy Commissioner beyond the limits of the municipality.

(2) No person shall, without the license of the president, use any such premises, for slaughter of animals for sale.

(3) The president may grant, suspend, withhold or withdraw licenses for the use of such premises, or if they belong to the municipal council, charge rents or fees for the use of the same.

(4) When any such premises have been fixed under sub-section (1), no person shall slaughter any such animal for sale at any other place within the municipality.

Premises not to be used for certain purposes without a license.

90. (1) The municipal council may notify that no place within the area under its authority shall after sixty days from the date of such notification be used without a license from the president and except in accordance with the conditions specified therein for any of the purposes specified in Schedule B.

(2) Whenever it is shown to the satisfaction of the municipal council that any place licensed under sub-section (1) is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the municipal council may by notice require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will, in the opinion of the municipal council, render it no longer a nuisance or dangerous.

(3) No person shall use any premises without a license or in contravention of the conditions specified therein for any purpose for which a license is required under sub-section (1), or, after notice has been given under sub-section (2), use such place or permit it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous.

President, etc., to have power of entry for inspection into buildings etc., where infectious disease exists.

91. (1) The president or any person authorised by the president or the municipal council in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous disease is reputed or suspected to exist, for the purpose of inspecting such building or premises.

Inspection to be made between sunrise and sunset.

(2) No such inspection shall be made except between sunrise and sunset.

Disinfection of buildings, etc.

(3) If the president or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice ; provided that if the president

or such person considers that immediate action is necessary or that the owner or occupier, is by reason of poverty or otherwise, unable effectually to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the president or such person under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with his requisition.

Burial and burning grounds.

92. (1) The municipal council may, with the previous approval of the Deputy Commissioner, provide suitable places for burial or burning either within or beyond the municipal limits.

(2) No place shall be made or formed as a burial or burning ground after the commencement of this Regulation, without the permission in writing of the municipal council.

(3) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government through the Deputy Commissioner, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(4) A copy of the said notification both in English and Kannada shall be published in the official gazette, and shall be posted up at the municipal office and in one or more conspicuous parts on or near the place to which the same relates.

(5) No person shall bury, or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed in contravention of sub-section (2) or after the date specified in the notification published under sub-section (4).

Certain offences punishable with fine.

93. Whoever contravenes the provisions of or fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of

(i) section 76, sub-section (2),
(ii) section 78, sub-section (1),
(iii) section 79, sub-sections (1) and (4),
(iv) section 83,

(v) section 84, sub-section (2),
(vi) section 85, sub-section (3),
(vii) section 87,
(viii) section 88,
(ix) section 89, sub-sections (2) and (4),
(x) section 90, sub-section (3),
(xi) section 92, sub-sections (2) and (5), and
(xii) section 103, sub-section (3)

shall, on conviction before a magistrate, be punished with fine which may extend to rupees fifty. He may also be punished with further fine which may extend to ten rupees for every day on which such offence is continued after the date of conviction or any subsequent date as may be fixed by the magistrate.

Penalty for building in contravention of section 80.

94. Whoever erects any building contrary to the provisions of sub-section (1) of section 80 or the conditions imposed under sub-section (2) of that section, shall on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

Penalty for possession of articles or animal unfit for human consumption or adulterated drug.

95. If any animal, article or drug is brought before a magistrate under sub-section (4) of section 86, the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section.

Penalty on president, councillor, officer or servant of municipal council being interested in contract made with the municipal council.

96. If any president, councillor, officer, or servant of a municipal council has, without the written permission of the Assistant Commissioner or the Deputy Commissioner, directly or indirectly, any share or interest in any work done by order of or on behalf of the municipal council or in any contract with or under the municipal council, he shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

Punishment for disobedience to orders and notices not punishable under any other section.

97. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued under any power conferred by this chapter or fails to comply with the conditions subject to which any permission was given to him under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees. He may also be punished with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Regulation, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation.

Municipal council or president may prosecute.

98. (1) The municipal council or the president, may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Regulation or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund.

Provided that no prosecution for an offence under this Regulation or the rules thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Regulation or under any rule thereunder may be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Regulation or any rule thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Regulation, may be recovered on application to any magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Powers and duties of police officer.

99. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Regulation or of any rule thereunder, if the name and address of such person be unknown to him, and if such person declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address have been correctly ascertained.

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Regulation, or of any rule thereunder, and to assist the president, councillors, municipal officers and servants in the exercise of their lawful authority.

Powers to compromise and compound offence.

100. The president or any person authorised by the municipal council may, and when directed by the municipal council, shall—

(*a*) compromise with any person who in the opinion of such president, person or municipal council, as the case may be, has committed an offence punishable under this Regulation or any rule thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Regulation or any rule thereunder;

(*c*) compound any offence against this Regulation or any rule thereunder which may by rules made by the Government be declared compoundable.

CHAPTER VIII.

Miscellaneous.

Public and general notices how to be published.

101. (1) Every notice which this Regulation requires or empowers a municipal authority to give or to serve either as a public notice, or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places or is published in such local paper or in such other manner as the municipal council in this behalf determines.

Service of notices, etc., addressed to individuals.

(2) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family ; or

(*c*) if such person does not reside in the municipality and his address elsewhere is known to the president, by sending the same to him by post registered ; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

Service of notices, etc., on owners and occupiers of buildings and lands.

(3) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(5) When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, the notice shall fix a reasonable time for doing the same.

Municipal council in default of owner or occupier may execute works and recover expenses.

102. (1) Where under the provisions of this Regulation any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation be paid to the municipal council by the person by whom such work ought to have been executed, either in one sum or by instalments as the municipal council may decide.

Occupier in default of owner, may execute works and deduct expenses from his rent.

(2) Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such buildin or land may, with the approval of the president, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings in case of obstruction of owner by occupier.

103. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Regulation or of any rule thereunder, or with any requisition made under any such provision in respect of such land or building, apply to any magistrate having local jurisdiction.

(2) The magistrate, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order, and in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(4) In cases falling under sub-section (3), the occupier shall be liable to comply with the provisions of this Regulation in place of the owner.

Determination of compensation in certain cases.

104. (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid, the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the Taluk in which the municipality is situated and in the absence of such an officer by the Deputy Commissioner.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land, the procedure prescribed by the Land Acquisition Regulation, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed.

Damage to municipal property how made good.

105. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted; and on non-payment of such damage on demand the same shall be levied by distress and such magistrate shall issue his warrant accordingly.

Power of Government to make rules and orders.

106. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any

proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders.

(*a*) with reference to all matters expressly required or allow by this Regulation to be prescribed;

(*b*) for regulating the election of councillors, presidents and vice-presidents, or their appointment and other matters incidental or ancillary thereto or to the constitution of committees;

(*c*) for the conduct of business of municipal councils and the channel of communication between municipal councils and the Government or its officers;

(*d*) for prescribing the duties of municipal officers and servants and the conditions subject to which they may be employed;

(*e*) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure;

(*f*) as to the preparation of plans and estimates for works which are to be wholly or partly constructed at the expense of the municipal fund and as to the powers of the municipal council or the Government Officers to accord professional or administrative sanction to estimates;

(*g*) for the appointment of assessors for assessing the value of buildings and lands for the purpose of levying any taxes under this Regulation and for preventing evasion of assessment and payment of taxes;

(*h*) as to the inspection and proper management and maintenance of any work of a permanent nature constructed by the municipal council or by the Government for the use of the inhabitants of a municipality, whether it be within the municipality or beyond the limits thereof;

(*i*) for conserving and preventing injury to sources and means of water-supply (including private wells which are used by the public) and appliances for the distribution of water, whether within or without the limits of the municipality, and regulating all matters and things connected with the supply and use of water;

(*j*) for the regulation and inspection of municipal markets and slaughterhouses, whether within or without the limits of the municipality, and all places used by or for animals which are for sale or hire, or the produce of which is sold, and all places used for any purpose for which a license is required under this Regulation and regulating

the conditions subject to which licenses or permissions may be issued, suspended, cancelled or refused;

(*k*) regulating the construction of buildings and huts and prescribing the conditions and terms that may be imposed in this behalf;

(*l*) as to the restriction on, and the prohibition of the use of inflammable materials in buildings and for the prevention of out-break of fire;

(*m*) for the registration of shops for the sale of drugs and the licensing of persons who act as compounders or dispensers therein;

(*n*) as to the proper registration of births and deaths and taking of a census and enforcing the supply of such information as may be necessary to make such registration or census effective;

(*o*) as to the disposal of carcasses of animals dying within the municipal limits and the disposal of corpses by burial or burning in burial and burning grounds, whether within or without the municipal limits;

(*p*) as to enforcing the supply of information as to cases of dangerous diseases among human beings and infectious diseases among cattle and preventing, meeting, mitigating, or suppressing such diseases or the outbreak or introduction thereof;

(*q*) as to the disposal of mad and stray dogs;

(*r*) as to the regulation and improvement of conservancy and sanitation and prohibiting public nuisances;

(*s*) for the regulation of all matters connected with the grant of permission under section 80;

(*t*) with reference to any other matter affecting the public health, comfort, safety or convenience for which the Government consider that rules may be framed; and

(*v*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.

Power of Government to delegate its powers under the Regulation.

107. The Government may, subject to such conditions and restrictions as may be prescribed, delegate any of its powers under this Regulation to any officer subordinate to it.

Power of Government to confer on the holders of alienated villages or their agents powers of an Assistant Commissioner or a Deputy Commissioner.

108. The Government may, subject to such conditions and restrictions as may be prescribed, confer on the holder of any alienated village which is constituted as a municipality under this Regulation or on the agent of such holder, all or any of the powers of an Assistant Commissioner or a Deputy Commissioner under this Regulation.

SCHEDULE A.

ENACTMENTS REPEALED.

(*See Section* 2.)

Year	No.	Title or short title.
1906	VII.	The Mysore Municipal Regulation, 1906.
1911	IX.	A Regulation to amend the Mysore Municipal Regulation of 1906.
1914	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1915	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1916	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1918	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1921	I.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1922	V.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1923	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1926	IV.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1927	VIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1928	XIII.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1929	III.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1930	IX.	A Regulation further to amend the Mysore Municipal Regulation of 1906.
1931	VI.	A Regulation further to amend the Mysore Municipal Regulation of 1906.

SCHEDULE B.

Purposes for which premises may not be used without a license.
(See Section 90)

(*a*) As a shop for the sale of animals intended for human food or of meat or of fish,

(*b*) as a dairy, hotel, restaurant, eating house, coffee-house, sweet-meat shop or bakery or for manufacturing aerated waters,

(*c*) for any of the purposes mentioned hereunder :—

(1) for boiling or storing offal, blood, bones or rags,

(2) for salting, curing and storing fish,

(3) for storing hides, horns, skins or organic manure,

(*d*) any other purpose affecting public health, sanitation or safety that may be notified by the Government.

M. N. KRISHNA RAO,
Dewan.